

# **Lewes Neighbourhood Development Plan 2015-2033**

**A report to South Downs National Park Authority on  
the Lewes Neighbourhood Development Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) MA, DMS, MRTPI**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by the South Downs National Park Authority in July 2018 to carry out the independent examination of the Lewes Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 22/23 September 2018.
- 3 The Plan includes a wide range of policies. It seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on identifying smaller scale housing sites to supplement those already identified in the development plan. It also designates a series of local green spaces and supports the vitality and viability of Lewes as a retail, commercial and community focus for the wider neighbourhood area.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Lewes Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**14 December 2018**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Lewes Neighbourhood Development Plan 2015-2033 (the Plan).
- 1.2 The Plan has been submitted to the South Downs National Park Authority (SDNPA) by Lewes Town Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive to the issues and challenges identified, and to be complementary both to the development plan and the emerging South Downs Local Plan.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## 2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SDNPA, with the consent of the Town Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the SDNPA and the Town Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

### *The Basic Conditions*

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
  - not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.13 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to satisfy the regulations the Town Council commissioned the preparation of a Sustainability Appraisal (SA). This followed on from the screening process by SDNPA which concluded that significant environmental effects could arise from the implementation of Plan proposals in relation to flood risk, heritage assets, designated sites for nature conservation and in the allocation of development sites. The Appraisal incorporates the necessary work on Strategic Environmental Assessment. The Town Council selected to adopt the wider Sustainability Appraisal methodology so that it could demonstrate how the Plan would contribute to achieving sustainable development.
- 2.8 The SA is very well-structured in general terms. It is both comprehensive and detailed on the one hand, and easy to read and understand on the other hand. The section on site assessments and the assessment of reasonable alternatives is first-class. It provides confidence to all concerned that the Plan has been produced within the context of promoting development in a sensitive and sustainable fashion. The approach adopted is particularly appropriate within the natural and heritage context of Lewes as described in paragraphs 5.1 to 5.7 of this report.
- 2.9 SDNPA also undertook a Habitats Regulations Assessment (HRA) screening report (April 2018) on the Plan. The report is very thorough in its approach. It assesses the impact of the Plan policies on the following European sites:
- Lewes Downs SAC
  - Castle Hill SAC
  - Ashdown Forest SAC

On the basis of a thorough analysis, the screening report concludes that the submitted Plan is unlikely to have significant effects on a European site and that an appropriate assessment is not required.

- 2.10 At largely the same time that the HRA screening work was undertaken a case in the Court of Justice of the European Union (People Over Wind, Peter Sweetman and Coillte Teoranta, April 2018) changed the basis on which competent authorities are required to undertake habitats regulations assessments. SDNPA has given this matter due consideration and has advised me that it did not take mitigation into effect when considering whether the submitted Plan would have adverse effects on the integrity of European sites. In this context SDNPA concluded that the recent Court of Justice judgement does not affect the integrity of its early screening work on this important matter.
- 2.11 I am satisfied that SDNPA has approached this issue in a sound and responsible manner. The outcome of the European Court case could not have been anticipated as the neighbourhood plan was being prepared.

- 2.12 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.13 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Other examination matters*

- 2.14 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.15 Having addressed the matters identified in paragraph 2.14 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### 3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Neighbourhood Development Plan.
  - the Basic Conditions Statement.
  - the Consultation Statement.
  - the Sustainability Appraisal
  - the HRA Screening Statement.
  - the various appendices to the Plan.
  - the information provided by SDNPA (September 2018) on the Habitats Regulations Assessment after the publication of the People Over Wind/Sweetman case in the European Court.
  - the representations made to the Plan.
  - the Town Council's responses to my two Clarification Notes.
  - the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030.
  - the saved policies of the Lewes Local Plan 2003.
  - the emerging South Downs National Park Local Plan 2014-2033.
  - the National Planning Policy Framework (March 2012 and July 2018).
  - Planning Practice Guidance (March 2014 and subsequent updates).
  - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the neighbourhood area on 22/23 September 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.13 to 5.23 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. In this context the Plan is well-served by a very comprehensive schedule of documents and associated information. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan should be examined by way of written representations.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. The examination of the submitted Plan was taking place on that date. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Town Council has prepared a Consultation Statement. This Statement is proportionate to the Plan area and its policies.
- 4.3 The Statement is a well-constructed and thorough document. It is particularly detailed in terms of its recording of the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (May to June 2017). It has internal consistency and integrity. It is particularly helpful in the way it describes the component parts of the consultation processes throughout the production of the Plan.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. It provides details about:
- the interactive workshop event for the Steering Group (March 2015);
  - the public visioning event (June 2015);
  - the three-day Design Forum (June/July 2015);
  - the preparation of an interim report and the circulation of an associated questionnaire (Summer 2015);
  - the poster exhibitions (October and November 2015); and
  - the organisation of dedicated weekends to engage younger people (March 2016).
- 4.5 The Statement also reproduces parts of surveys, reports and other information that were used throughout the consultation process. This reinforces the approach that was adopted by those responsible for the Plan. This provides a real sense of interest to the Statement. It is further reinforced by the effective use of photographs of the various community events. They show the well-attended events. The photographs of the events in June/July 2015 clearly demonstrate the strength both of the attendance and the participation at these events.
- 4.6 In addition the Statement sets out how the submitted Plan took account of consultation feedback at the pre-submission phase (pages 14-21). Further detail is then provided on the comments received. The scale of the analysis properly reflects the 2281 responses received. This level of response also reflects the way in which those preparing the Plan sought to secure comments from key organisations and local residents. The task of analysing the comments has been undertaken in a proportionate



and effective way. It helps to describe how the Plan has progressed to its submission stage.

4.7 Consultation on the submitted plan was undertaken by SDNPA for a six-week period that ended on 23 July 2018. This exercise generated a range of representations from several local residents and from the following organisations:

- Environment Agency
- SDNPA
- Lewes District Churches Homelink
- Lewes Community Land Trust
- Mid Sussex District Council
- National Grid
- East Sussex County Council
- Lewes District Council
- Highways England
- Friends of Lewes
- Transition Town Lewes
- Natural England
- Gladman Developments Limited
- Historic England
- Clifford Dann LLP
- Waitrose Limited
- Grange Road Residents Association

4.8 I have taken account of all the representations received. Where it is appropriate to do so I have identified the organisations which have comments on the Plan on a policy-by-policy basis.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the area covered by Lewes Town Council. Its population in 2011 was approximately 17297 persons. It was designated as a neighbourhood area on 8 May 2014.
- 5.2 The town is a very splendid product of the combination of its landscape setting and its very distinctive built heritage. It is set within a prominent gap in the South Downs. Alec Clifton-Taylor in his book 'Six English Towns (1981) comments that:  
*'Lewes has for me a twofold appeal. There is the old town itself, bestraddling its chalky crest and spilling down the slopes with its abundant legacy of flint, tiles and brick. And then there is the setting, of which surely the fortunate citizens never grow tired: that glorious Downland landscape with clean lines of the hills silhouetted against the sky.'* Thankfully this twofold appeal remains. In addition, and as the Plan describes, in 1965 the Council for British Archaeology identified Lewes as one of 51 historic ('gem') towns in the British Isles which:  
*'...are so splendid and precious that ultimate responsibility for them should be a national concern'.*
- 5.3 I have approached the examination within this context. This approach overlaps with one of the core planning principles in the NPPF that encourages plans to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations' (NPPF 2012, paragraph 17).
- 5.4 The neighbourhood area is focused on the town of Lewes itself. The remainder is primarily in agricultural use. Lewes is the historic county town of East Sussex. It is located approximately eleven kilometres to the north-east of Brighton. Its landscape setting underpins many elements of the form, layout and transport network of the town. The River Ouse runs through the town as it flows into the English Channel at Newhaven. The railway station is located at an important junction within the rail network in the south of England. The A27 Portsmouth – Pevensey trunk road runs to the south of the town.
- 5.5 The town of Lewes has its own distinctive parts. Its historic core is based on High Street and Cliffe High Street. The River Ouse cuts across Cliffe High Street and provides an attractive setting to this part of the town. The town has two conservation areas. It includes a very wide range of traditional vernacular buildings of different ages and styles. Southover Road and Grange Road are located to the south of High Street and run largely parallel to its alignment. They are located at a lower level and are connected to High Street by a range of steep streets running in a north-south direction.
- 5.6 Malling is located to the north and east of the town centre, and to the east of the River Ouse. It generally consists of more modern residential development. It also includes the HQ buildings of the Sussex Police and the East Sussex Fire and Rescue Service.

A variety of commercial and retail buildings are located to the immediate south of Malling based around Brooks Road.

- 5.7 Other more modern residential development is located to the north and west of the town off Nevill Road and Offham Road. The form and layout of this part of the town reflects the topography of Lewes as it rises to the north and west. Lewes Prison is located to the west of the town centre on Brighton Road. The offices of East Sussex County Council are located to the south of Western Road.

*Development Plan Context*

- 5.8 The Lewes District Local Plan Part 1: Joint Core Strategy 2010-2030 (JCS) sets out the basis for future development in Lewes District. It was adopted by Lewes District Council in May 2016 and by the SDNPA in June 2016. A legal challenge was made to the adoption of the JCS. This process resulted in the quashing of Policies SP1 and SP2 insofar as they relate to the part of the Plan area within the SDNPA area. The adoption of the JCS partially superseded a number of policies in the Lewes District Local Plan 2003. However, several of the Local Plan policies remain as saved policies. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies in the JCS are particularly relevant to the Lewes Neighbourhood Plan:

Spatial Policy 3	North Street Quarter and adjacent Eastgate area
Spatial Policy 4	Old Malling Farm
Core Policy 1	Affordable Housing
Core Policy 2	Housing Type, Mix and Density
Core Policy 4	Encouraging Economic Development and Regeneration
Core Policy 5	The Visitor Economy
Core Policy 6	Retail and town centres
Core Policy 8	Green Infrastructure
Core Policy 10	Natural Environment and Landscape Character
Core Policy 11	Built and Historic Environment and High Quality Design

- 5.9 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.10 The SDNPA is in the process of establishing its own planning policy. The emerging South Downs Local Plan 2014 to 2033 was submitted for examination in April 2018. The hearing sessions started towards the end of this examination. In process terms the submitted neighbourhood plan has sought to take account of this emerging local planning context. This is good practice in general terms. It will ensure that any made neighbourhood plan has the best possible ability to remain compatible with the emerging local plan in the long term. In particular the neighbourhood plan has been prepared to deliver the residual, smaller scale residential development over and above that which is identified in either the adopted Core Strategy or the emerging Local Plan.

- 5.11 The submitted Local Plan includes several policies which affect the neighbourhood area. Policy SD26 sets out the need for the provision of approximately 4750 new dwellings in the Plan period over and above extant planning permissions (as at April 2015) and windfalls. Lewes is identified as delivering 875 dwellings of this figure. Policy Allocation Policy 79 allocates land at Old Malling Farm for the development of between 220 and 240 dwellings. Allocations Policy 80 allocates land at Malling Brook for B1/B2/B8 employment use
- 5.12 The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the SDNPA area. The neighbourhood plan has taken a sensible and pragmatic approach in a very complicated planning policy context. This is good practice and reflects key elements in Planning Practice Guidance on this matter. The Town Council and its Steering Group have achieved an outcome which many neighbourhood plan qualifying bodies elsewhere have struggled to achieve in similar circumstances.

#### *Site Visit*

- 5.13 I carried out an unaccompanied visit to the Plan area on 22/23 September 2018. I looked at the town centre on 22 September and the remainder of the neighbourhood area on 23 September.
- 5.14 On 22 September I approached Lewes from the west off the A27. This gave me an opportunity to understand its position within its wider geography and to see its relationship with the strategic highway network. I parked in the County Council's car park.
- 5.15 I looked initially at the High Street as it runs towards the River Ouse. I saw the wide range of vernacular buildings in this part of the town. I also saw the Castle and its prominent location. Whilst there I took the opportunity to walk around Castle Precincts, Castle Bank and Mount Place. It offered a quiet haven at the very heart of a busy town centre.
- 5.16 I continued down into Cliffe High Street. In doing so I was able to understand the distinction that exists between these different components of the main axis within the town. I also saw the ways in which the different retail, commercial and community uses were distributed throughout the town centre. I then walked along South Street. I saw the range of land uses including the recently-constructed houses on the northern bank of the River Ouse. I returned to Cliffe High Street and looked at the area around the Waitrose store and the adjacent NCP car park.
- 5.17 I then took the opportunity to walk into the Railway Land Wildlife Trust area. The various interpretation boards provided a very helpful insight into the transformation that has taken place in this part of the town in recent years. From the top of the observation mound I was able to see the chalk cliff to the east of the River Ouse and elevated views

of the town centre to the north in general, and to the iconic Harvey's Brewery building in particular.

- 5.18 Whilst I was in the town centre I took the opportunity to look at the proposed housing sites at North Street/East Street (PL1-34), St Anne's Crescent (PL1-52) and the former St Anne's School Site (PL1-53). In relation to the latter I took the opportunity to walk along Rotten Row to the south. This highlighted the levels issues that will need to be addressed as part of the potential development of the site.
- 5.19 I walked to the area around the railway station. In doing so I looked at the proposed housing allocations in this part of the town (PL1 3/57). Thereafter I walked along Southover High Street. I saw the impressive Trinity Church, the equally impressive Priory Terrace and the iconic Anne of Cleves House. I also took the opportunity to look at Southover Manor.
- 5.20 On 23 September I looked at a range of other sites in the neighbourhood area. Plainly this gave me an opportunity to understand the neighbourhood area more fully. In addition, I was fully able to understand its landscape setting.
- 5.21 I approached Lewes from the east along the A27 and the A26. I looked initially at the Cliffe Industrial Estate. There can be few industrial estates with such an impressive backdrop. I then continued along the A26 to Malling. I saw the Police and Fire Services and Rescue HQ building. I also saw the more modern and residential nature of this part of Lewes. I also saw the wide-ranging views over the wider town to the south. I then took the opportunity to look at the Malling Recreation Ground. It was being extensively used by budding football players of the future. This helped me to understand its proposed designation as local green space.
- 5.22 I then drove along Offham Road to the north and then into Meridian Road. I took the opportunity to look at the three proposed housing allocations in this part of the town (PL1 4/5/8). I saw some of the access and gradient issues that will affect potential future residential development in this part of the town. I also saw first-hand the distinctive herringbone layout of its street pattern.
- 5.23 I then took the opportunity to look at the part of the town served off Nevill Road. I was able to see the sharp western edge of the town in and around Middle Way, South Way, East Way and Firl Close. I found the pedestrian access into the Lewes Battle Historic Site (a proposed local green space) and walked to the top of the ridge. In doing so I saw the former racecourse and Jill's Pond. The wider area was being enjoyed by a range of people enjoying the early Autumn sunshine. Like them I was rewarded for my exertions with stunning views of the town to the east and its wider natural setting.

## 6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Lewes Neighbourhood Development Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Lewes District Local Plan Part 1: Core Strategy 2010-2030 and the saved policies of the Lewes Local Plan;
  - proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places;
  - recognising the intrinsic character and beauty of the countryside;
  - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.

- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area in terms of promoting appropriate development and growth on the one hand whilst safeguarding its character on the other hand. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing development (PL1), the working town (HC4) and sustainable tourism (HC5). In the social role, it includes policies on community facilities (HC1), new services (HC2) and on social and civic spaces (SS2). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It includes policies on natural capital (LE1), biodiversity (LE2), heritage protection (HC3), architecture and design (PL2) and renewable energy (PL4). This assessment overlaps with the Town Council's comments on this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the SDNPA area in paragraphs 5.8 to 5.12 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Lewes JCS. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the JCS/saved Local Plan. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.



## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Town Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan also includes a range of other, non-land use matters (referred to as neighbourhood projects).
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The projects are addressed separately after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing modifications to the text of the Plan are set out in italic print.

### *The initial sections of the Plan (Pages 6-31)*

- 7.8 The Plan is dedicated to the memory of Dr Colin Tingle. The Plan comments that he invested much of his knowledge and experience into the ecosystems and biodiversity sections. It is entirely appropriate that the Plan acknowledges the role that Colin played in getting the Plan to this stage. In a broader sense it also recognises that neighbourhood plans rely on the skills, experience and dedication of many local residents. I am sure that Colin would be pleased at the outcome of this examination in general terms, and the robustness of his ecosystem and biodiversity policies in particular. They will be instrumental in securing the long-term sustainability of Lewes.
- 7.9 The Plan as a whole is well-organised. It includes effective maps and photographs. The Plan makes an appropriate distinction between the policies and the supporting text. It also ensures that the vision and the objectives for the Plan set the scene for the various policies. The initial elements of the Plan set the context for the production of the Plan. They describe the neighbourhood plan process in general terms and many of the key issues which affect the neighbourhood area in particular. They are proportionate to the neighbourhood area and the subsequent policies.



- 7.10 The Introduction helpfully sets out background information on the preparation of the Plan and how it has been designed to sit within the context of adopted and emerging local planning policy. Paragraph 1.17 identifies the complementary roles of the submitted neighbourhood plan and the emerging South Downs Local Plan. The Introduction also sets out the structure of the submitted Plan. Section 2 comments on how the distinctive character of Lewes has determined the overall vision of the submitted Plan. It comments about the independence, the geography, the creativity and the built heritage of Lewes. Section 3 provides useful information about the Lewes bonfire tradition.
- 7.11 Section 4 sets out the vision statement for Lewes. It does so to good effect. The statement has two related parts. The first relates to a future reflecting its rich and unique heritage and maintaining a thriving town where businesses and the arts flourish. The second relates to a town that will house its residents and their children at an affordable cost for average local incomes. These elements of the vision underpin many of the subsequent policies in the Plan. Section 5 then sets out twelve neighbourhood plan objectives. Paragraph 5.4 helpfully comments that all twelve objectives are given equal importance. Paragraph 5.5 then comments that the planning policies have been drafted in a way to achieve the relevant plan objectives. Thereafter the policies are included within the relevant chapter headings as follows:

*Lewes and Our Environment*

Policies LE1-2

*Heritage and Community*

Policies HC1/HC2/HC3a/HC3b/HC4/HC5

*Good Places for Living (Housing)*

Policies PL1-4

*Access and Movement*

Policies AM1-3

*Spaces and Streets*

Policies SS1-4

- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.4/7.5/7.7 above.
- 7.13 I raised with the Town Council the policy language used in the Plan. It uses overlapping wording in several policies. Where it takes a positive approach to development it uses either 'permitted, supported or encouraged'. Where it takes a more negative approach to development it uses 'resisted or not be permitted'. This is potentially confusing to all concerned and to the SDNPA in particular as it would implement a 'made' Plan up to 2033. Whilst I can see that the Plan may wish to encourage certain developments to take place, the use of the word 'encourage' has very limited policy status. The Town Council agreed with my comments in its response to the first clarification note. As such I recommend modifications to all affected policies so that they include either 'support' or 'not support' as appropriate. Where relevant I do not repeat this explanation for a recommended modification on a policy-by-policy basis.

7.14 As I have already commented the submitted Plan is both comprehensive and addresses a wide range of issues. In order to keep this report as concise as possible I will restrict my comments on a policy-by-policy basis to that which is essential to identify any recommended modifications to ensure that the Plan meets the basic conditions. As such, in general terms, I will comment on each policy as follows:

- an outline description of the policy (and its component parts where necessary);
- an outline of any comments received;
- a commentary on the reasons for any recommended modifications;
- setting out the recommended modifications to the policy concerned; and
- setting out any recommended modifications to the associated supporting text

7.15 This context would not otherwise permit me to make a series of general comments on the Plan. This would be unfortunate given the time and energy that has been put into its development. As such I make comments under a series of headings as an overview to my more structured analysis of the individual policies. The recommended modifications set out in the remainder of this report should be viewed within this context. In general terms their effect is to bring clarity to a Plan which otherwise performs well against the basic conditions.

*A distinctive Plan* – The submitted Plan is very distinctive to its neighbourhood area. It has been developed within the context of PPG (41-004-20170728). In particular it has carefully selected a series of issues to tackle and address. In those selected areas it has approached the necessary research and policy formulation in an appropriate, balanced and professional fashion.

*A plan which has the heritage of Lewes at its heart* – The submitted Plan has comprehensively addressed heritage and townscape matters. In doing so it has acknowledged the character and appearance of the neighbourhood area in general, and of Lewes in particular. In addition, the Plan has approached heritage issues in a fashion which has clear regard to national policy – the heritage of the town is seen as important in its own right and as a context for the promotion of a ‘Living Town’ and for the development of sustainable tourism.

*A plan which has actively promoted housing development* – Plainly this can be one of the more challenging aspects of preparing a neighbourhood plan. Nevertheless, the submitted Plan has approached this issue in a positive and proactive way. It seeks to provide smaller sites to supplement those identified in the development plan and in the emerging Local Plan. Its site selection process has been thorough and well-informed. It is embodied in the submitted Sustainability Appraisal. There has been an appropriate level of engagement with land owners and statutory bodies. The sites selected are predominantly brownfield sites within Lewes. The Plan provides an appropriate level of detail on each of the sites selected. In short, the approach taken is exemplary. It is one which neighbourhood areas addressing a similar set of issues would do well to follow.

*A Plan which has understood its wider environment* – It is not unusual for a neighbourhood plan to address a series of environmental issues. However, the Lewes Plan stands out as a Plan which addresses a diverse range of environmental issues in

a very comprehensive fashion. In particular it includes policies which address environmental capital and biodiversity (LE1/2), flood resilience (PL3), renewable energy (PL4), local green spaces (SS3) and the River Corridor Strategy (SS4).

*A Plan underpinned by community engagement* – Plainly this matter overlaps with my comments in Section 4 on the consultation process. Nevertheless, the community engagement process is worthy of comment in this section of the report. It is clear that all relevant organisations have been engaged in the plan-preparation process in a relevant and proportionate way. In particular the Plan demonstrates the degree of community engagement in the identification of several of the streets and spaces policies, the access and movement policies and the various Projects listed at the end of the Plan.

#### Policy LE1 Natural Capital

- 7.16 This policy sets out to ensure that larger housing sites should provide a detailed assessment of their existing natural capital and the scope to provide a net gain in natural capital. The supporting text comments on the origins of the policy and its importance to the neighbourhood area. In particular it identifies that natural capital is derived from the basic elements that make up our environment. They include rock types, soil, water, vegetation and the relationships between the various factors.
- 7.17 The generality of the approach adopted has regard to national policy. It has attracted support from both the Environment Agency and Natural England. It includes the need for an initial assessment, the potential for ecosystems to be enhanced through development and offers support for schemes which deliver this ambition. The implementation of the policy will play a significant part in the way in which the Plan contributes towards the achievement of the environmental element of sustainable development in the neighbourhood area. Nevertheless, some of its language is of a non-policy nature and does not provide clarity to the decision maker. I recommend accordingly.
- 7.18 SDNPA comments that the threshold for the operation of the policy (at five or more dwellings) is at odds with the equivalent policy in the emerging South Downs Local Plan (Policy SD2) which applies to all proposals irrespective of their size. I have sympathy with that approach. Nevertheless, the basic conditions test is against the existing development policy and not that which is emerging. SDNPA also recommends that the supporting text includes commentary on how the policy would be interpreted and implemented. This approach is to be commended and would bring the clarity required by the NPPF. I recommend accordingly.
- 7.19 As submitted the second part of the policy introduces an appropriate degree of flexibility. However, I am not satisfied that the flexibility is included in the correct location in the policy. As submitted, it appears in the second sentence (requiring that the benefits should be explained wherever possible). The benefits or otherwise of any scheme should be assessed on all sites. To provide the necessary clarity required by the NPPF I recommend that the flexibility should appear in the first sentence. On this basis new developments should enhance natural capital that the site already contains

‘where appropriate to the site concerned’. This would recognise that not every site would have the physical attributes to achieve the policy objective. I recommend accordingly.

**In the second part of the policy:**

- **insert ‘Where appropriate to the site concerned’ at the beginning of the first sentence.**
- **in the second sentence delete ‘wherever possible’.**

*At the end of the supporting text on page 34 of the Plan add:*

*‘Policy LE1 takes an innovative approach to this important matter. Landowners and applicants would be well-advised to refer to the advice in SDNPA’s Ecosystems Services and Householder Planning Applications and the Ecosystem Services (non-householder) Technical Advice Notes’.*

Policy LE2 Biodiversity

- 7.20 This policy sets out the Plan’s approach to biodiversity. As with Policy LE1 it includes very helpful text boxes that set out the nature of biodiversity and how it could be built and developed in the future.
- 7.21 The submitted policy does not fully reflect the approach to this important matter set out in the NPPF. In particular it does not address the balancing act between the hierarchy of international, national and locally designated sites and the development proposed. This matter overlaps with the representation made by Gladman Developments Limited. Whilst the hierarchical approach is addressed in paragraph 6.8 that part of the Plan is supporting text rather than policy. In any event the policy reference in that paragraph is to the emerging Local Plan rather than to the adopted JCS.
- 7.22 To address this matter, I recommend the replacement of the second paragraph in the policy with one which has regard to the hierarchical approach required by national policy. This approach would be in general conformity with Core Policy 10 of the adopted JCS. It would also relate to the approach proposed in the emerging Local Plan. It would represent a refinement and consolidation of the approach intended in the submitted Plan.

**Replace the second paragraph of the policy with:**

**‘The following hierarchy of designation will apply in the consideration of development proposals.**

**International sites (Insert the names concerned and as shown on Map [new one needed])**

**Development proposals with the potential to impact on one or more of the international sites will be subject to a Habitats Regulations Assessment to determine the potential for likely significant effects. Where likely significant effects may occur the development proposals concerned will be subject to Appropriate Assessment.**

**Development proposals that will result in adverse effect on the integrity of any international site will not be supported unless it can be demonstrated that: there are no alternatives to the proposal; there are imperative reasons of overriding public interest why the proposal should nonetheless proceed; and adequate compensatory provision is secured.**

**National sites (Insert the names concerned and as shown on Map [new one needed])**

**Development proposals with the potential to impact on one or more of the national sites will be required to assess that impact by way of an Environmental Impact Assessment.**

**Development proposals where any adverse effect on the site's notified special interest features is likely and cannot be either avoided or adequately mitigated will not be supported unless the benefits of the development clearly outweigh the likely impact to the notified features of the site and any broader impacts on the network of nationally protected sites.**

**Local sites (Insert the names concerned and as shown on Map [new one needed])**  
**Development proposals with the potential to impact on one or more of the local sites will be subject to assess that impact by way of an Ecological Impact Assessment.**

**Development proposals that will result in any adverse effect on the integrity of any local site which cannot be either avoided or adequately mitigated will not be supported unless exceptional circumstances outweighing the adverse effects are clearly demonstrated'**

*Replace the first sentence of paragraph 6.8 with:*

*'Policy LE2 provides a policy context within which development proposals can be assessed in terms of their impact on sites of ecological and biodiversity significance. It follows the hierarchical approach required by Section 11 of the NPPF (2012). The approach taken overlaps with that in the emerging South Downs Local Plan'.*

#### Policy HC1 Protection of Existing and New Community Infrastructure

- 7.23 This policy seeks to protect existing community infrastructure and any such new facilities that arise within the Plan period. The supporting text at paragraph 7.1 comments that 'heritage, living traditions and community infrastructure are intertwined in Lewes'. Its ultimate ambition is to ensure that the heritage of the town as a good place to live, work and enjoy.
- 7.24 It has six component parts. The first four focus on safeguarding community facilities. The fifth has a sharp focus on local food shops. The sixth addresses Victoria Hospital.
- 7.25 The issue of Victoria Hospital has generated a degree of debate. As the Plan comments in paragraph 7.8 the Hospital is currently serving a valuable local function. The community is however concerned about its longer-term future. Plainly a neighbourhood plan cannot directly address future decisions which the relevant

Clinical Commissioning Group may make on this important issue as it is not directly a land use matter. On this basis I recommend a modification to the policy so that it takes on a more neutral, supporting note.

- 7.26 I also recommend that the first four components of the policy are combined into one single policy. As submitted the decision-maker and the investor would need to work their way through four separate policies to arrive at the potential outcome to any development proposal.
- 7.27 Finally I recommend a modification to the fifth component of the policy. On this basis the policy will refer to shops outside the town centre rather than the flood plain.

**Combine the first four paragraphs of the policy into a single policy element arranged around two paragraphs (the first would include paragraphs 1 and 2 of the submitted policy and the second would include paragraphs 3 and 4 of the submitted policy).**

**Within this context replace ‘be resisted’ with ‘not be supported other than where they meet the requirements of the remaining part of this policy’**

**In the submitted paragraph 3 replace ‘Any loss.... supported’ with: ‘Proposals that would result in the loss of a community facility should be accompanied’**

**In the submitted paragraph 5 replace ‘flood plain’ with ‘town centre’ and ‘be resisted’ with ‘will not be supported’.**

**Replace the submitted paragraph 6 with the following: ‘Proposals which would sustain or extend the current medical services being delivered at the Victoria Hospital will be supported’.**

*Replace the final sentence of paragraph 7.8 with:  
‘The long-term future delivery of clinical services from the Hospital is not directly a land use issue. Nevertheless, Policy HC1 provides a supporting context within which clinical services could be consolidated and extended on the existing site in the event that a decision is taken to retain the Hospital in the town.’*

#### Policy HC2 New Facilities & Services

- 7.28 This policy has two parts. The first supports the development of new community facilities in the town. The second supports proposals for new and improved infrastructure where they meet identified needs of the community.
- 7.29 I recommend modifications to both elements of the policy so that they have the clarity to meet the basic conditions as follows:

- the deletion of the word ‘encouraged’ in the second part of the policy;



- the deletion of the final element of the second part of the policy which refers loosely to the ‘purposes of the South Downs National Park’. This matter was raised in the first clarification note and the Town Council was content that the policy component should be replaced by supporting text;
- the deletion of supporting text relating either to historic planning decisions or to emerging proposals;
- the relocation of some supporting text to the Projects section of the Plan; and
- the deletion of some of the Key Projects and Actions which have a general application beyond this policy.

**In the second part of the policy:**

- **delete ‘encouraged and’**
- **delete ‘and are in line.... Park’**

*At the end of paragraph 7.11 add:*

*‘In relation to both elements of the policy proposals should be designed and located to have regard to the location of the neighbourhood area within the South Downs National Park.’*

*Delete paragraph 7.12 and paragraph 7.14.*

*Delete the first three points within the five listed under the Key Projects and Actions heading on page 45.*

*Relocate the first, second and third (of the five) sentences of the Key Projects & Actions list to the Projects Section of the Plan (within the Social Infrastructure Section).*

**Policy HC3 (a) Heritage Protection of Landscape and Townscape**

7.30 This is the first of two policies that relate to townscape and heritage issues. In both cases the policies are extensive in scope. Given the significance of heritage issues in the town I am satisfied that the approach taken is appropriate. In particular the policy is distinctive to the neighbourhood area and its landscape setting. The policy has six components as follows:

- the protection of significant views;
- the protection or enhancement of the conservation area and the use of vernacular materials;
- safeguarding the network of twittens;
- safeguarding flint walls;
- safeguarding the chalk ridge; and
- safeguarding the existing roof lines in the town.

7.31 The Town Council should be congratulated on producing a comprehensive policy which properly has regard to national planning policy (NPPF paras 126-141) and is in general conformity with strategic policies in the development plan (Core Policies 10

and 11). In order to provide absolute clarity to the various elements I recommend the following modifications:

- The clarification of the views to be safeguarded in the first part of the policy;
- The use of appropriate conservation area terminology in the second part of the policy so that it relates to the language used in the Planning Acts;
- The application of a policy-based approach to the latter part of the second component of the policy; and
- The application of potential balancing issues between safeguarding important heritage features and potential wider public benefits (as recommended by Historic England).

**In the first part of the policy:**

- **Replace the end bracket after ‘town’ and replace with ‘as shown in Appendix 5’.**
- **Replace ‘will be resisted’ with ‘will not be supported’.**

**In the second part of the policy replace ‘the conservation and enhancement’ with ‘the preservation or enhancement’.**

**In the second part of the policy replace the final sentence with:**

**‘Developments that include the palette of materials identified in the relevant Conservation Area Appraisal will be supported’**

**In the third/fourth/fifth/sixth parts of the policy replace ‘permitted’ with ‘supported’.**

*At the end of paragraph 7.17 add:*

*‘Policy HC3 (a) sets out specific requirements for planning applications insofar as they affect heritage issues. Sections 3 and 4 refer to the network of twittens and historic flint walls in particular. They set out to ensure that these important features are properly safeguarded. Nevertheless, in certain cases there may be a need to consider the wider public benefits which may arise from such proposals.’*

Policy HC3 (b) Planning Application Requirements and Heritage Issues

7.32 This policy sets out the Plan’s expectations for development proposals which affect heritage assets. Paragraphs 7.17 and 7.18 identify that a policy is considered to be necessary to protect heritage assets in general, and the mediaeval and Georgian historic core of the town in particular. I am satisfied that this approach is appropriate given the nature of the neighbourhood area and Lewes town centre. The generality of the approach taken is supported by Historic England and SDNPA.

7.33 As with other elements of the Plan the policy is comprehensive. In particular it includes:

- A general policy on heritage assets (paragraph 1);
- A policy on the conservation areas (paragraph 2);



- A policy on contemporary design (paragraph 3);
- A policy on the use of traditional materials (paragraph 4); and
- An approach to pre-application advice (paragraph 5)

7.34 In general terms the approach taken meets the basic conditions. My recommended modifications centre on the clarity of language used and making an appropriate distinction between policy and process. In some cases, policies are more focused on the information to be provided with planning applications rather than the appropriateness of the outcome. In other cases (paragraph 5) the approach is directly process-based rather than that of a planning policy. I have also recommended the deletion of paragraph 4 as it is already comprehensively addressed in Policy PL2 later in the Plan.

**In the first paragraph**

- replace ‘should include sufficient information to with ‘will be supported where they’.
- replace ‘conservation’ with ‘significance’.

**Replace paragraph 2 with:**

**‘Proposals for the demolition and replacement of buildings in the conservation areas will only be supported where the existing structures do not make a positive contribution to the area’s character appearance or significance. This approach does not extend to buildings which are neglected and/or which have not been properly maintained.’**

**In paragraph 3 replace ‘in the larger strategic developments’ with ‘in larger developments.’**

**Delete paragraph 4.**

**Delete paragraph 5.**

*At the end of paragraph 7.21 include the text within paragraph 5 of the submitted policy (recommended to be deleted from the policy) with the following modifications:*

- *replace ‘are required’ with ‘are strongly advised’.*
- *at the end add ‘Plainly this approach will be a useful supplement to any pre-application discussions that take place with the South Downs National Park Authority’*

**Policy HC4 The Working Town**

7.35 This policy represents an important part of the Plan’s potential contribution to the delivery of the economic dimension of sustainable development in Lewes. It seeks to retain existing employment uses, and supports homeworking and creative small businesses. It also supports proposals that would enhance the economic use of heritage assets. The policy has attracted supporting comments from Lewes District Council’s Regeneration Team.

7.36 SDNPA has suggested that several of the Key projects and Actions listed in the supporting text become non-land use Projects. However, the key projects listed at this point are of a more general nature in contrast to the specific Projects in Section 11. In any event a modification is not required to ensure that the Plan meets the basic conditions.

7.37 I recommend a series of recommended modifications. Whilst they do not fundamentally change the thrust of the policy approach, they bring the clarity required for a development plan policy. In this regard my recommended modifications overlap with the representations made both by SDNPA and Lewes District Council. In summary they are as follows:

- A definition of which uses are protected by the first component of the policy;
- An indication of the evidence required within the second part of the policy;
- An indication of the way in which employment uses could be incorporated into housing developments (third component of the policy) and in a fashion which supports new developments in a non-prescriptive, proportionate site-by-site fashion;
- The deletion of supporting text from the fourth paragraph; and
- A clarification of the final component of the policy on the economic use of heritage assets.

**In the first paragraph of the policy:**

- **Delete ‘The’**
- **After premises add ‘(Use Class B1, B2 and B8)’.**

**Within the second paragraph of the policy replace ‘should be supported’ with ‘will not be supported unless it is accompanied’.**

**At the end of the second paragraph add:**

**‘The evidence required will be determined by the existing use and its site. They will include:**

- **A demonstrated lack of tenant/occupier interest;**
- **A demonstrated lack of developer interest;**
- **Serious adverse environmental impacts from existing operations;**
- **Where the site is otherwise unlikely to perform an employment role in the future; and**
- **Where the loss of some space would facilitate further/improved employment floorspace provision’**

**In the third paragraph of the policy:**

- **Insert ‘Insofar as planning permission is required’ at the beginning of the first sentence.**
- **Replace the second sentence with: ‘In new residential developments, including the allocations within this Plan, the incorporation of studios and workshops will be supported.’**

**In the fourth paragraph of the policy delete ‘as this has.... Lewes’.**

**Replace the fifth paragraph of the policy with the following:**

**‘Proposals that would provide enhancements to heritage assets and associated contributions to the local economy and tourism will be supported’.**

*In paragraph 7.25 delete the first sentence.*

Policy HC5 Sustainable Tourism

7.38 This policy sets the scene for potential further sustainable tourism development in the neighbourhood area and in Lewes in particular. It has five components that address tourism in general, pick up points for tourism buses, the signposting of pedestrian and cycle routes, a seasonal campsite and the need for travel plans where appropriate.

7.39 As with other policies the Town Council has approached this aspect of the Plan in both a comprehensive and sensitive fashion. Within this context I recommend the following modifications to bring the necessary clarity to the policy so that it meets the basic conditions:

- The use of policy language;
- The application of a policy-based approach to the latter part of the second component and to the fifth component of the policy; and
- Providing an implementation mechanism for the third part of the policy.

**In the first paragraph of the policy delete ‘and encouraged’.**

**In the second paragraph of the policy replace ‘Support....to a’ with ‘Proposals for the development of a’. At the end of the policy add ‘will be supported’.**

**Replace the third paragraph of the policy with:**

**‘Insofar as planning permission is required, proposals for the protection and signposting of pedestrian and cycle routes within the town will be supported. Proposals that would facilitate better connections between the town, the South Downs and the railway station will be particularly encouraged’.**

**In paragraph 5 delete ‘All’. Replace ‘will be required to submit...sustainable means’ with ‘will be supported where they comply with other policies in the development plan and the design of their access and other associated arrangements are in accordance with a travel plan which would facilitate visitors to travel by sustainable means.’**

Policy PL1 General Housing Strategy

7.40 This policy sets the scene for the housing strategy of the Plan. It also provides a context for the identification of individual sites for residential development. The policy approach is underpinned by the Plan’s ambition to identify a range of smaller residential

developments to supplement those already allocated and/or identified in the adopted Core Strategy and the emerging South Downs Local Plan. In this context the submitted neighbourhood plan aims to identify a minimum of 220 dwellings.

- 7.41 The Plan has approached this challenging matter with the protection of the landscape as its highest priority. Within the setting of the South Downs National Park this is both understandable and appropriate. The sites selected are brownfield sites, are located within the settlement boundary and are available for development in the Plan period. This has been achieved following two calls for sites and detailed discussions with public bodies.
- 7.42 In the first clarification note I suggested to the Town Council that the identified housing sites were not directly allocated for development within the Plan. The Town Council agreed with this comment. I therefore recommend that the individual policies which act as sub-components of this policy are combined into a single policy that would allocate the sites for development. Thereafter I recommend specific criteria for each site. As a by-product of this recommended modification the structure of the Plan will be significantly simplified. In this context I recommend that Policy PL1 becomes Policy PL1A and that the new policy is identified as Policy PL1B. This will also avoid the renumbering of Policies PL2-4 in the submitted Plan.
- 7.43 Policy PL1 as submitted is both detailed and comprehensive. Its approach is to concentrate the new residential development required to be delivered by the Plan on brownfield sites within the settlement boundary and to take a restrictive approach elsewhere. It reinforces the strategic requirement for the delivery of affordable housing where appropriate. The policy and its supporting text set out a compelling need for the delivery of affordable housing in the neighbourhood area. The definition of 'Lewes Low Cost Housing' properly captures the sensitive relationship between average incomes in Lewes and the market value of the local housing stock. Paragraph 8.12 of the supporting text identifies that local people are disadvantaged given the desirability of living in the National Park and the excellent communication links between Lewes and London. On this basis the affordable housing elements of the policy are well-considered, evidence-based and distinctive to the neighbourhood area. The generality of the wider policy approach is supported both by SDNPA and Lewes District Council. However, it is considered to be too restrictive by Gladman Developments Limited.
- 7.44 In terms of detail the policy has ten components as follows:
- Supporting infill development both on identified sites and others which might come forward (paragraphs 1/4);
  - Taking a restrictive approach elsewhere (paragraph 2);
  - Reinforcing the need for affordable housing (paragraph 3);
  - Identifying the potential for decking above car parks (paragraph 5);
  - Supporting the potential for innovative solutions (paragraph 6);
  - Supporting the subdivision of houses (paragraph 7);
  - Supporting higher density housing (paragraph 8);

- Community-led housing projects (paragraph 9); and
- Potential changes to affordable housing requirements (Paragraph 10).

7.45 In general terms I am satisfied that the approach taken to the spatial distribution of the residual growth in the Plan meets the basic conditions. In particular it takes account of the location of Lewes within the South Downs National Park. Its effect will be to boost significantly the supply of housing land in the neighbourhood area. As the supporting text comments, it has deliberately identified a range of sites to deliver beyond its residual requirement for new housing growth. In addition, it is in general conformity with the strategic policies in the development plan.

7.46 In considering this aspect of the Plan I have considered the late representation made by Network Rail about the potential development of the Land at Lewes Railway Station Car Park (Policy PL1 -57). I have also considered the commentary of the Town Council on that representation. Whilst it is normally inappropriate to consider late representations all parties were happy that the delivery of this important site should be properly debated. The discussion also assisted my own deliberations on the deliverability of that site.

7.47 Within this supporting context I recommend a series of modifications as follows:

- to bring clarity to the policy;
- to combine two overlapping paragraphs of the policy;
- to ensure that some of its elements have proper regard to national policy;
- to ensure that the necessary environmental safeguards are in place - some elements of the policy have the potential to generate unintended consequences in general, and poor standards of development in particular; and
- the deletion of a part of the policy which is not directly policy.

#### **Change the Policy number from PL1 to PL1A.**

#### **Replace paragraphs 1 and 4 with the following:**

**‘Proposals for the residential development of the allocated infill sites in Policy PL1B and of any additional unidentified brownfield sites within the settlement boundary will be supported subject to the following criteria:**

- **they meet local housing need;**
- **they respect the character and appearance of their immediate locality;**
- **where appropriate, they meet development plan requirements for the provision of affordable housing to include maximising the amount of Lewes Low Cost Housing unless Lewes Low Cost Housing is proven to be undeliverable; and**
- **in the case of unidentified sites do not involve the loss of identified employment land and premises in active employment use.’**

#### **Replace paragraph 2 with the following:**

**‘Elsewhere in the neighbourhood area residential development will be restricted to that which is otherwise allocated for residential development in the**

development plan or which meets the criteria for a rural exception site as outlined in national planning policy’

In the third paragraph replace the first sentence with ‘New residential development should comply with the development plan requirement for affordable housing’.

Delete paragraph 5.

In paragraph 7 add the following at the end of the policy:

‘Where the subdivision proposed could affect the significance of a listed building or the character or appearance of a conservation area the application should demonstrate that the scheme includes measures to avoid or minimise harm to the heritage asset concerned. These details should include, but not be restricted to, the provision of waste and bicycle storage, routing of waste water pipes and any additional extraction vents or flues.’

In the first sentence of paragraph 8 replace ‘considered where...centre’ with ‘supported in the town centre where it respects the character or appearance of its immediate locality and sensitively addresses any amenity issues’.

In the second sentence of paragraph 8 replace ‘may be introduced’ with ‘will be supported’.

Delete paragraph 10.

*At the end of paragraph 8.3 add:*

*‘Policy PL1A sets out the Plan’s approach to new housing development. It supplements the proposals already safeguarded in the adopted development plan and identified in the emerging Local Plan. The first paragraph of the policy refers both to sites allocated in Policy PL1B and to unidentified sites. In relation to the latter the criteria in relation to employment land should be considered in parallel with those in Policy HC4 (Working Town) of this Plan.’*

*Examiner’s Note – Paragraphs 8.3-8.23 should remain as supporting text to the modified Policy PL1A*

New Policy PL1B Housing Allocations

- 7.48 As I have already mentioned in paragraph 7.42 of this report the Town Council has agreed with my suggestion that the Plan is modified so that the series of policies below in the submitted Plan are incorporated into a single policy which allocates the various sites for residential development. Within this overarching framework each site would then be supported by a site-specific set of details.

Policy PL1 (2) – Land at Astley House and Police Garage

Policy PL1 (3) – Land at the Auction Rooms

Policy PL1 (4) – Land at Blois Road, Garage Site North

Policy PL1 (5) – Land at Blois Road, Garage Site South  
 Policy PL1 (8) – Land at Buckwell Court. Garage Site  
 Policy PL1 (21) – Land at Kingsley Road Garage Site  
 Policy PL1 (26) – Land at South Downs Road  
 Policy PL1 (34) – Land at Little East Street Car Park, Corner of North Street and East Street  
 Policy PL1 (35) – Land at The Lynchets Garage Site  
 Policy PL1 (36) – Land at Magistrates Court Car Park, Court Road  
 Policy PL1 (39) – Land at Former Petrol Filling Station, Malling Street  
 Policy PL1 (44) – Land at Princes Charles Road Garage Site  
 Policy PL1 (46) – Land at Queens Road Garage Site  
 Policy PL1 (48) – Land at Former Ambulance Headquarters, Friars Walk  
 Policy PL1 (52) – Land at St Anne’s Crescent  
 Policy PL1 (53) – Former St Anne’s School Site  
 Policy PL1 (57) – Land at Lewes Railway Station Car Park

- 7.49 On this basis I recommend the deletion of the various policies above and their replacement by a single allocation policy.
- 7.50 I am satisfied in general terms that the site selection process has been thorough and well-considered. Subject to some detailed comments the package of proposals has secured support from statutory organisations and local people. The sites concerned have been promoted for development in the Plan with consideration for their environmental impacts. However, I recommend a series of modifications to ensure that all the necessary environmental safeguards are in place on the package of sites. In recommending such modifications I have taken into account the importance of continuing to ensure the delivery of the sites concerned through the development management process. I have also considered the potential impact of any recommended modifications on their inherent viability.
- 7.51 I looked at a range of the proposed sites when I visited the neighbourhood area in September. I looked at the two sites in Blois Road in particular given the representations that had been made to their allocation for residential use both by SDNPA and local residents. I saw that they are brownfield sites which had the potential to contribute to the supply of housing in the neighbourhood area. Nevertheless, on the basis of the evidence available to me as part of this examination I am not satisfied that their allocation would meet the basic conditions. I have reached this conclusion for two principal reasons. The first is that their positions to the rear of existing dwellings on heavily-sloping land is likely to result in an uncomfortable relationship between new and existing dwellings. The second is that the existing levels of on street car parking in Blois Road would make vehicular access difficult to achieve and the additional vehicular traffic would serve only to intensify the current situation. In these circumstances I do not have the assurance that the sites would secure planning permission and would therefore be deliverable in the Plan period. In coming to this conclusion, I have taken into account the evidence of the limited occupation of the garage courts provided to me by the Town Council in its response to the second clarification note. I recommend the deletion of the two sites concerned.



- 7.52 This recommended modification relates directly to the preparation of the Plan and the proposed allocation of the two sites for residential development. There may well be the flexibility for the sites to come forward as unidentified sites within the Plan period if these technical issues are resolved at some future point. In this event they would be considered on their merits.

**Delete the policies listed in paragraph 7.48.**

**Include a new policy (PL1B) to read:**

**Housing Allocations**

**‘The following sites as shown on Plan [insert number] are allocated for residential development:**

**Land at Astley House and Police Garage (Site 2)**

**Land at the Auction Rooms (Site 3)**

**Land at Buckwell Court Garage Site (Site 8)**

**Land at Kingsley Road Garage Site (Site 21)**

**Land at South Downs Road (Site 26)**

**Land at Little East Street Car Park, Corner of North Street and East Street (Site 34)**

**Land at The Lynchets Garage Site (Site 35)**

**Land at Magistrates Court Car Park, Court Road (Site 36)**

**Land at Former Petrol Filling Station, Malling Street (Site 39)**

**Land at Princes Charles Road Garage Site (Site 44)**

**Land at Queens Road Garage Site (Site 46)**

**Land at Former Ambulance Headquarters, Friars Walk (Site 48)**

**Land at St Anne’s Crescent (Site 52)**

**Former St Anne’s School Site (Site 53)**

**Land at Lewes Railway Station Car Park (Site 57)**

**Residential development proposals will be supported on the various sites subject to the following criteria:**

- **they would result in high quality development which accords with Policy PL2 of this Plan;**
- **their layout, massing, access arrangements and the height of the individual properties respect the amenities of existing residential properties in the immediate locality;**
- **they have appropriate regard to any heritage assets in their immediate vicinity;**
- **they can safely be incorporated into the surrounding local highway network;**
- **they provide car parking to development plan standards;**
- **where necessary they are informed by the findings of an appropriate scheme of archaeological investigation. Where relevant proposals should demonstrate that their design and layout preserve archaeological**



remains in situ where possible and give the greatest priority to any remains of national importance;

- where necessary they are informed by the findings of an appropriate scheme of ecological investigation. Where relevant proposals should demonstrate that their design and layout take account of the findings of the investigations;
- where necessary their design and layout would ensure the appropriate protection of groundwater on the site; and
- they meet the requirements set out in site specific development profiles.'

**Modify the format of the site-by-site information for the sites retained in the Plan so that they become site specific development profiles. In doing so:**

- **modify their titles to relate to those in the schedule of sites in the policy;**
- **Modify the site numbering accordingly on Plan [insert number] (currently pages 66/67)**

**In each site-specific development profile include the following text after the title: 'This site-specific development profile supplements the general detail in Policy PL1B of the Plan. Development proposals should comply both with the general criteria in that policy and the site-specific criteria listed in this profile.'**

*Examiner's Note – Paragraphs 8.24-8.33 should act as supporting text to the recommended new Policy PL1B*

*Examiner's Notes:*

- *In the following site-specific profiles, I recommend the deletion of the first point which relates to the potential yield of the site. This information is more factual than policy-based. In any event the same information is usefully contained in the vertical text box on the right-hand side of the site information already captured in the Plan;*
- *In some of the profiles I recommend modifications to traffic and archaeological related criteria (or their deletion) where they are satisfactorily addressed by the general criteria in Policy PL1B; and*
- *In both sites 3 and 57 I draw attention to the potential overlaps/joint delivery of the two sites concerned as addressed in the exchanges between the Town Council and Network Rail during the examination.*

#### **Land at Astley House and Police Garage (Site 2)**

**Delete point 1.**

**Delete point 4.**

**In points 5 and 6 replace 'must' with 'should'.**

**Delete point 8.**

**Delete point 10.**

#### **Land at the Auction Rooms (Site 3)**

**After the title and the general introductory text add:**

**‘The site has the potential to be developed in a related and/or complementary fashion to Land at Lewes Railway Station Car Park (Site 57)’.**

**Delete point 1.**

**In point 2 delete ‘nor overshadow’.**

**Delete point 5.**

**Replace point 8 with:**

**‘The existing vehicular and pedestrian accesses should be redesigned to respond effectively to the proposed development on the site.’**

**Land at Buckwell Court. Garage Site (Site 8)**

**Delete point 1.**

**In point 2 delete ‘as it is.... Landport’.**

**Delete point 5.**

**Delete point 6.**

**Land at Kingsley Road Garage Site (Site 21)**

**Delete point 1.**

**Delete point 5.**

**Delete point 6.**

**Land at South Downs Road (Site 26)**

**Delete point 1.**

**Replace point 4 with:**

**‘Development proposals should be accompanied by a noise assessment in relation to the potential impact on the development of the site from the existing Malling Industrial Estate. The development should incorporate the findings of the assessment.’**

**Delete point 7.**

**In point replace ‘must’ with ‘should’.**

**Land at Little East Street Car Park, Corner of North Street and East Street (Site 34)**

**Delete 1.**

**Replace point 6 with:**

**‘Development proposals should address the relationship between new residential on the site and retained car parking. Any proposals for undercroft car parking will be considered against their impacts on the archaeological importance of the site.’**

**Delete point 7.**

**Delete point 8.**

**Land at The Lynchets Garage (Site 35)**

**Delete point 1.**

**Delete point 7.**

**Delete point 8.**

**In point 9 replace ‘30mph’ with ‘prevailing’**

**Delete point 11.**

**Land at Magistrates Court Car Park, Court Road (Site 36)**

- Delete point 1.
- Delete point 4.
- Delete point 6.

**Land at Former Petrol Filling Station, Malling Street (Site 39)**

- Delete point 1.
- In point 2 replace 'maximise' with 'identify how it has assessed and taken.'
- Replace point 3 with:  
'The development of the site should incorporate appropriate remediation measures associated with its former use as a petrol filling station.'
- Delete point 5.
- Delete point 6.

**Land at Princes Charles Road Garage Site (Site 44)**

- Delete point 1.
- In point 2 replace 'maximise' with 'identify how it has assessed and taken.'
- Delete point 4.
- In point 5 insert a comma after 'narrow' and replace 'prioritised' with 'incorporated into the development of the site'
- Delete point 9.

**Land at Queens Road Garage Site (Site 46)**

- Delete point 1.
- Delete point 3.
- Delete point 4.
- In point 5 replace '20mph zone' with 'prevailing speed limit'
- In point 6 replace 'will need to' with 'should'
- Delete point 7.

**Land at Former Ambulance Headquarters, Friars Walk (Site 48)**

- Delete point 1.
- In point 2 replace 'maximise' with 'identify how it has assessed and taken.'
- Delete point 4.
- Delete point 5.
- Delete point 6.

**Land at St Anne's Crescent (Site 52)**

- Delete point 1.
- In point 2 replace 'will' with 'should'
- Delete point 4.
- Delete point 5.
- Delete point 6.
- In point 7 replace 'considered' with 'incorporated'.

**Former St Anne's School Site (Site 53)**

- Delete point 1.

**Replace point 2 with:**

**‘The restoration and reuse of the former rectory on the site will be supported. The extent to which the rectory can be incorporated into the wider development of the site should be identified in the first planning application on the site for its redevelopment’.**

**Replace point 3 with:**

**‘The redevelopment of the site should incorporate the retention and the reinstatement of the flint wall to the south of the site’.**

**In point 7 replace ‘will’ with ‘should’.**

**Replace point 9 with:**

**‘The development of the site should be accompanied by a transport assessment addressing both the wider capacity of the highway network and the layout and design of the selected access point(s) into and out of the site’.**

**Delete point 12.**

#### **Land at Lewes Railway Station Car Park (Site 57)**

**After the title and the general introductory text add:**

**‘The site has the potential to be developed in a related and/or complementary fashion to Land at the Auction Rooms (Site 3)’**

**Delete point 1.**

**Delete point 2.**

**In point 4 replace ‘maximise’ with ‘identify how it has assessed and taken.’**

**In point 6 replace ‘is required’ with ‘should be incorporated into development proposals’.**

**Delete point 9.**

**Replace point 10 with:**

**‘Development proposals should be accompanied by a noise assessment in relation to the potential impact on the development of the site from the existing railway line. The development should incorporate the findings of the assessment.’**

**Replace point 11 with:**

**‘Retail uses within the railway arches will be supported where they complement other uses within the redevelopment of the site.’**

#### **Policy PL2 Architecture and Design**

7.53 This policy sits at the heart of the Plan’s approach to good design. Paragraph 8.35 helpfully comments that new development should be shaped and influenced by the traditional character and style of the town. The Plan correctly sets out to achieve development that uses high quality materials and design approaches that are appropriate to Lewes.

7.54 There are two conservation areas within the neighbourhood area. The Lewes Conservation Area is centred on Lewes Castle and the surrounding Saxon town. It covers the whole length of High Street from the prison in the west to Cliffe in the east. To the south is Southover with the remains of Lewes Priory. To the north the conservation area extends into Victorian and Edwardian suburbs (The Pells and The

Wallands). To the east beyond the River Ouse the separate settlement of Cliffe is also within the extensive conservation area. Its boundary was extended in 2011 to include the area around Rotten Row and the Lewes Cemetery. The Malling Deanery Conservation Area is centred on St Michael's Church, Malling Deanery and the dwellings on Church Lane. It is located to the immediate north of the River Ouse at the point at which it cuts through the South Downs. Whilst the Lewes Conservation Area has an urban character the Malling Deanery conservation area has a more rural character. Trees and woodland create a strong sense of enclosure and its character and appearance is one of a quiet village. Both conservation areas benefit from Character Appraisals and Management Plans.

- 7.55 The issues addressed by the policy are extensive. They range from traditional design and materials issues (paragraphs 1-3), building orientation (paragraph 4), a sense of place (paragraph 5), technical standards (paragraphs 6/7) and solar power generation (paragraph 8). In general terms I am satisfied that the approach taken has regard to national policy. In particular the policy sets out distinctive local standards for new development without being prescriptive. Indeed paragraph 8.38 comments that 'Lewes needs to promote good architecture through better definition of what is considered to be good quality design'.
- 7.56 As recommended to be modified the policy will represent a locally-distinctive and robust approach to design and development in the neighbourhood area. One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.' Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).
- 7.57 In this positive and supportive context I recommend a series of modifications. In their different ways they will bring clarity to the Plan. This will ensure that the resulting policy can be applied consistently by SDNPA. They are as follows:
- To provide clear signposting to the excellent round of design guidance already included in the submitted Plan;
  - To replace the rather vague reference to the 'Lewesian built environment';
  - To concentrate the focus of the policy on the conservation areas rather than the less-well defined 'historic core' concept. The effect of this approach would positively extend the spatial effect of the policy;
  - To ensure that the technical standards elements of the policy have proper regard to national policy which has moved on during the Plan's production.

**Capture the Design Guidance on pages 106 and 107 into an Inset Box entitled 'Design Guidance Principles'.**

**In the first paragraph replace ‘the guidance....107’ with ‘the design guidance principles set out in the Design Guidance Principles Inset Box’**  
**In the first paragraph delete ‘Lewesian’ and add ‘of the neighbourhood area’ after ‘environment’.**

**In the second paragraph replace ‘especially in...Conservation Areas’ with ‘in the Lewes Conservation Area and in the Malling Deanery Conservation Area’.**  
**In the second paragraph replace the final sentence with:**  
**‘Development proposals in the conservation areas should have regard to the relevant Character Appraisal and Management Plan’**

**In the third paragraph replace ‘historic core’ with ‘the Lewes Conservation Area and the Malling Deanery Conservation Area’**  
**At the end of the third paragraph (as modified above) add:**  
**‘where they result in good design which respects the Design Guidance as referenced in the first paragraph of this policy’.**

**In the fourth paragraph insert ‘Where appropriate’ at the beginning of the paragraph’.**

**Replace the first sentence of paragraph 6 with:**  
**‘New housing development should meet the Nationally Described Space Standards set out in the Technical Housing Standards (2015) or any revisions of this guidance’.**

**Replace paragraph 7 with:**  
**‘Where feasible all new dwellings should meet the Building Regulations Part M4 (2) Accessible and Adaptable Buildings standards and at least a proportion of larger developments should meet the Part M4 (3) Wheelchair User Dwellings for disabled living or be capable of being readily adapted to residents’ changing circumstances.’**

*Replace paragraph 8.45 with the following:*  
*‘Paragraphs 6 and 7 of Policy PL2 set out how the Plan responds to the Nationally Described Space Standards. In particular paragraph 7 of the policy highlights the importance of complying to building regulations standards for adaptable homes (which have now replaced the former Lifetime Homes standards). In this regard the policy seeks to cater for the anticipated increased number of local residents who would benefit from such dwellings within the Plan period’*

*In the Design Guidance section (pages 106/7) delete the ‘Evolve’ heading and the associated text.*

#### Policy PL3 Flood Resilience

- 7.58 This policy correctly seeks to ensure that new development proposals take account of the importance of the River Ouse to the well-being and environment of the town. It

adopts a precautionary approach which overlaps with key principles of national policy. It also usefully takes account of the Environment Agency's Flood Strategy for the town. The policy has attracted support from the Environment Agency and from Natural England.

7.59 I recommend a series of modifications to the policy as follows:

- to provide clarity to the wording used in its first part;
- to provide clarity on the remit of the policy – as currently drafted its first part would require any proposal, however minor or domestic, to address flood risk issues; and
- to provide a degree of flexibility where it would be appropriate to do so. As Lewes District Council comments, the restrictive nature of the second part of the policy may prevent the implementation of other appropriate measures.

**Replace the first paragraph of the policy with:**

**'New or additional residential, commercial or other development which would materially add to water discharge generally in the neighbourhood area, and into the River Ouse in particular, should address any or all of the following matters which are relevant to its location and the particular proposal:**

- **potential flood risk from the River Ouse; and/or**
- **rising sea levels; and/or**
- **groundwater levels; and/or**
- **surface water run-off.'**

**In the second paragraph:**

- **replace 'must' with 'should'.**
- **replace the second sentence with 'Wherever possible development proposals should use permeable surfacing materials for parking areas, hardstanding areas and pathways.'**

**In the third paragraph replace 'must' with 'should'.**

**In the fourth paragraph**

- **replace 'will be expected to' with 'should'.**
- **replace 'all new development' with 'new development proposals as described in the first paragraph of this policy'.**

*At the end of paragraph 8.50 add:*

*'Policy PL3 (1) sets out the importance of maintaining flood resilience in the neighbourhood area. Plainly the policy cannot address the details of all potential developments that will arise within the Plan period. In these circumstances it adopts a general approach which will need to be applied by developers to the circumstances of both the site and the emerging proposal. In particular it identifies four important factors which should be considered in the design of new development. Clearly different proposals will impact differently on any or all of the factors included in the policy.'*



*At the beginning of paragraph 8.51 add:*

*'Policy PL3 (1) has been designed to address larger scale development and/or development that would materially add to discharge generally and into the River Ouse in particular.'*

*At the end of paragraph 8.56 add:*

*'The second part of the policy promotes the use of permeable paving materials. There may be circumstances where this cannot be achieved and/or there may be other means of flood mitigation and water attenuation.'*

Policy PL4 Renewable Energy and the Resource and Energy Efficiency of New Buildings

7.60 This policy sets out to bring about a step change in how the neighbourhood area responds to the energy efficiency of new buildings. Its approach is both positive and innovative. Nevertheless, I recommend a series of modifications so that the policy has regard to national policy and that it is internally consistent with other policies in the Plan.

7.61 In summary the recommended modifications address the following areas:

- the correct application of references in the policy and the text to the Building Regulations;
- it addresses the relationship between sustainable technology and heritage assets; and
- the specific details of reduced water use.

**In the first paragraph replace 'should demonstrate' with 'will be supported where they incorporate'.**

**At the end of the second paragraph add 'subject to the resulting proposals demonstrating good standards of urban design and compliance with other development plan policies.'**

**In the third paragraph of the policy:**

- **replace 'should' with 'that'.**
- **Add 'will be supported' after 'water use'.**
- **At the end of the paragraph add: 'New and converted buildings should not exceed predicted internal mains consumption levels above 105 litres/person/day.'**

**In paragraph 4 add 'Proposals which incorporate' at the start of the policy.**

*Replace paragraph 8.54 with:*

*'The Plan has an aspiration that energy and resource efficiencies are incorporated into new development where it is both appropriate to do so and technically feasible. Policy PL4 seeks to provide an appropriate balance between the national application of the*



*Building Regulations and the opportunity for a local planning authority to have particular targets.'*

*In paragraph 8.55 (second bullet point) replace 'encouraged' with 'supported'. At the end of the paragraph add:*

*'insofar as that approach is compatible with heritage assets in general, and any relevant Article Four directions in particular'.*

#### Policy AM1 Active Travel Networks

- 7.62 This policy is the first of three which address travel and movements in the neighbourhood area. Paragraph 9.1 identifies that a quality pedestrian environment is at the heart of the approach in the Plan. It includes a determination to create a pedestrian priority town centre with strong pedestrian links to outlying areas. SDNPA helpfully comment that the policy aligns with the emerging Local Plan and the South Downs Partnership Management Plan.
- 7.63 The policy includes a series of land use and non-land use elements. It also sets out an expectation for developer contributions. Where possible I recommend modifications that will result in a non-land use aspiration becoming a land use policy. These factors influence and underpin my recommended modifications.

#### **In the first paragraph**

- **Delete 'All'.**
- **Replace 'will be expected to' with 'should'.**

#### **Replace paragraph 2 with:**

**'Proposals which safeguard and expand walking and cycling networks will be supported.'**

#### **Delete paragraph 3.**

*Replace the deleted third paragraph of the policy as additional supporting text at the end of paragraph 9.8. In doing so:*

- *delete the text in brackets; and*
- *at the beginning of the additional text add 'Where such a request accords with published standards.'*

#### Policy AM2 Public Transport Strategy

- 7.64 This policy continues the approach taken in Policy AM1. Its effect would be to ensure that new developments would contribute towards its own Public Transport Strategy. It has attracted a series of comments from local statutory bodies.
- 7.65 I recommend modifications to the policy so that it becomes more policy-based than aspirational. The recommended modifications set out to provide a context within which

the neighbourhood plan can safeguard emerging projects which are to be delivered by other bodies.

**Replace ‘will be expected.... Strategy policy’ with ‘will be supported where they have regard to and safeguard strategic transport projects in the neighbourhood area’.**

**In the second part of the policy replace ‘This will involve’ with ‘This policy will particularly apply to’.**

#### Policy AM3 Car Parking Strategy

7.66 This is the third policy in this section of the Plan. It relates particularly to car parking proposals.

7.67 I take an identical approach to that in Policy AM2. In so doing I recommend modifications to the policy so that it becomes more policy-based than aspirational. The recommended modifications set out to provide a context within which the neighbourhood plan can safeguard emerging projects which are to be delivered by other bodies. I also recommend the deletion of some of the key projects and actions to ensure consistency with other recommended modifications.

**Replace ‘will be expected.... Strategy policy’ with ‘will be supported where they have regard to and safeguard strategic car parking projects in the neighbourhood area’**

**In the second part of the policy replace ‘This will involve’ with ‘This policy will particularly apply to’.**

*Delete the second and third key projects listed on page 117*

#### Policy SS1 Historic Streets

7.68 This policy has a sharp focus on protecting and enhancing the historic streets and twittens in the historic core of the town. It is a policy which correctly and distinctively reflects the rich heritage of Lewes. It is supported both by SDNPA and Natural England.

7.69 I recommend that the reference to the historic core is replaced with reference to the conservation areas. This will provide clarity for all concerned. I also recommend that the first and second paragraphs are modified so that they relate to the outputs of the planning process. As submitted, they read more in an advisory or project-based fashion. These recommended modifications will ensure that the policy meets the basic conditions. Nevertheless, the recommended modifications do not directly alter the thrust of the policy approach.

**In the first paragraph replace ‘Lewes.... town’ with ‘the two conservation areas will be protected and enhanced. Development proposals that would have an**

**unacceptable detrimental impact on the existing historic network will not be supported’.**

**In the second paragraph:**

- **add at the start ‘Development proposals will be supported which use’.**
- **delete ‘should be used.... distinctiveness’.**

**In the third paragraph:**

- **at the start add ‘Where appropriate’.**
- **replace ‘will be expected to’ with should’.**

*At the end of paragraph 10.2 add:*

*‘Policy SS1 sets out the Plan’s approach to this important matter. The policy applies within the two designated conservation areas.’*

Policy SS2 Social and Civic Spaces

- 7.70 This policy provides a wider context to that already established in Policy SS1. Its focus is on ensuring that new development should provide for a clear network of well-designed social and civic spaces that will ultimately support the cultural and economic life of the town. Its second paragraph comments that support will be given to proposals which would help to implement the Lewes District Council Public Realm Framework (July 2013).
- 7.71 I sought clarification from the Town Council on the second paragraph of the policy. As submitted, it has a rather unspecified direction in that it offers support for proposals which would implement proposals in another document. The Town Council explained how it wished to incorporate the main aspects of the Public Realm Strategy into a policy format.
- 7.72 Whilst I have sympathy for the Town Council’s intentions, I am not satisfied that the resulting policy meets the basic conditions in terms of its inherent clarity and consistency. In particular it is not the direct role of a neighbourhood plan to reinforce the approach already taken in a separate document. Nevertheless, the retention of the approach in the supporting text would create the necessary relationship between the two documents.
- 7.73 I also recommend a modification to the first part of the policy so that it relates directly to the development process and provides clarity on the type of proposals that would be affected. As submitted the policy refers generally to ‘new developments’. Plainly the majority of minor and/or domestic proposals would neither have the opportunity nor ability to incorporate social and civic spaces.

**In the first paragraph**

- **insert ‘Where appropriate’ at the beginning of the policy.**
- **replace ‘should’ with ‘will be supported where they’.**

**Delete the second paragraph.**

*At the end of paragraph 10.5 add:*

*'Policy SS2 has been included to address this important matter. The policy will apply to large residential and commercial proposals which will be developed in the Plan period. Such proposals will present appropriate opportunities to incorporate social and civic spaces within their layouts. Within this context the neighbourhood plan supports proposals which would help to implement the Lewes District Council Public Realm Framework (July 2013). The main action points of the public realm strategy are shown in pages [Insert numbers – currently pages 121 to 128] of this Plan'.*

**Policy SS3 Protection and Enhancement of Green Spaces**

- 7.74 This policy addresses the protection and enhancement of green spaces in the neighbourhood area. Its focus is on the designation of local green spaces (LGS) and local community spaces.
- 7.75 The two different designation categories are well-considered. In particular they take account of prospective developments which may come forward within the Plan period. The approach has been adopted successfully in other neighbourhood plans in the administrative area of the SDNPA where future development may be necessary in certain circumstances to sustain the future of certain areas of open space. In this context the designation of local green spaces (as identified in paragraphs 76-78 of the NPPF) would preclude any future development other than in exceptional circumstances. The Local Community Space designation covers those open spaces which are special to the community but where some development associated with existing structures may be necessary to maintain its future use or viability. This is a very sensible and pragmatic distinction.
- 7.76 In addition to the two proposed designation types the policy addresses:
- new green infrastructure corridors (paragraph 3);
  - the provision of outdoor space for new residential development (paragraph 4);
  - the relationship between new development and iconic views in the town (paragraph 5);
  - wildlife corridors (paragraph 6); and
  - proposals for community food production (paragraph 7).
- 7.77 The Plan includes a table identifying how it has assessed the various proposed local green spaces and the local community spaces. In relation to the former it assesses the proposed LGSs against some of the criteria on this matter in the NPPF. Further details are also set out in an earlier background paper.
- 7.78 The range of the proposed designation of LGSs has been such that SDNPA has undertaken its own consultation on this matter. This reinforces the importance of the relevant landowners being aware of the Plan's intentions. This has proved to be a helpful process.

- 7.79 I am satisfied that the proposed LGSs are all within close proximity of the community that they serve. They are either within the main body of the town or at a point where it adjoins the open countryside. I saw several circumstances where people were taking advantage of the proximity of the various green spaces to the town.
- 7.80 I am also satisfied that the proposed LGSs are ‘demonstrably special to the local community and hold a particular local significance’. The table in the Plan and the background paper demonstrate that a thorough and proportionate assessment has been undertaken.
- 7.81 The bulk of the proposed LGSs are modest in scale. In most cases they are recreation areas or incidental open spaces within residential areas. As such they comfortably conform with the criteria in the NPPF that they are ‘local in character and not an extensive tract of land’. Other areas are larger. They include Pells Floodplain and Riverside Walk (LGS 15 – 12.29 hectares), Landport Floodplain (LGS10 – 16.76 hectares), Railway Land (LGS32 – 20.23 hectares) and the Lewes Battle Historic Site (LGS62 – 27.02 hectares).
- 7.82 Neither the NPPF nor Planning Practice Guidance provides any prescriptive guidance on what might constitute a green space which would be ‘local in character’. Plainly the matter is ultimately one of local judgement and may vary between different neighbourhood areas. I looked closely at these four proposed LGS when I visited the neighbourhood area. I saw that they are coherent green areas in their own right. I also saw that it would have been impractical to have identified smaller sub-component areas within their wider proposed boundaries.
- 7.83 In terms of the details of the four sites I saw that LGS10/15 were part of the functional floodplain of the River Ouse. They provide an attractive green lung running into the heart of Lewes from the north and the west. As I have already commented in Section 5 of this report, I had a very pleasant walk within the Railway Land (LGS32). Whilst some remnants of its heritage remain in the north west part of the site, I saw that it has enjoyed its status as a Local Nature Reserve since 1995. It is an imaginatively-arranged area immediately adjacent to the town centre and its riverside setting. I also looked at the Lewes Battle Historic Site. I saw its prominence within the setting of the town and its extensive use by walkers, dog walkers and runners.
- 7.84 In coming to a judgement on this matter I have taken into account all the relevant information available to me as part of the examination. In particular I have taken into account the information provided by the owners of the Lewes Battle Historic Site. I have also taken account of guidance in Planning Practice Guidance (37-017-20140306) that the designation of LGS does not alter existing access arrangements into private land.
- 7.85 In all four cases I am satisfied that the proposed LGSs are local in character and not extensive tracts of land. Plainly the four sites are larger than the other proposed LGSs. Nevertheless, they are local in scale within the wider context of the neighbourhood area. In particular I am satisfied that they do not represent a blanket designation of

open countryside adjacent to the built-up form of the settlement or a 'back door' way to achieve what would amount to a new area of Green Belt by another name (Planning Practice Guidance 37-015-20140306).

- 7.86 SDNPA has suggested in its representation to the Plan that the proposed LGS at Malling Old Railway Line (21) should be identified as a Local Community Space. This would better reflect future proposals for improved pedestrian and cycle access. This was agreed by the Town Council through the clarification note process. I agree that this approach would accord with the basic conditions and I recommend accordingly.
- 7.87 I also recommend detailed modifications to the other elements of the policy. In particular the recommended modification to the third paragraph changes its emphasis from an aspirational approach to a development management related policy.

**Alter the status of site 21 Malling Old Railway Line from Local Green Space to Local Community Space and alter the details in the table/map accordingly.**

**In the final sentence of the second paragraph of policy replace 'may be permitted so long as' with 'will be supported where'.**

**Replace the third paragraph with:**

**'Proposals for the development of new green infrastructure to assist with flood protection and/or to contribute towards public enjoyment and health, and/or to create corridors for wildlife will be supported'.**

**In the fourth paragraph:**

- **replace 'good quality' with 'well-designed'.**
- **after gardens add 'to development plan standards'**
- **after 'and contribute' add 'where appropriate'.**

**In paragraph 5:**

- **replace 'must' with 'should'.**
- **replace 'iconic' with 'key'.**
- **after 'countryside' add '(as shown in Appendix 5)'.**
- **after 'enhanced' add 'where appropriate'.**

**In paragraph 6 delete 'recognised and'.**

**In paragraph 7 replace 'for the promotion of initiatives' with 'to proposals'.**

Policy SS4 River Corridor Strategy

- 7.88 This policy sets out a strategy for the River Ouse corridor. As paragraph 10.36 comments '...the River Ouse is a defining feature of Lewes's history and geography'. Paragraphs 10.37 and 10.38 highlight that the significance of the River Ouse is negatively affected by some land uses in the town centre and that access is restricted

in some parts of the town centre. I saw these contrasting issues first-hand when I visited the neighbourhood area.

7.89 The policy is comprehensive in its coverage. In particular it addresses:

- the reservation of land for a riverside pathway (paragraph 1);
- links to the river corridor from new developments along the river (paragraph 2);
- design matters specific to sites adjacent to the River Ouse (paragraph 3);
- development proposals opening up views to the riverside (paragraph 4);
- river transport (paragraph 5);
- moorings (paragraph 6);
- flood risk (paragraph 7); and
- the natural function of the River (paragraph 8)

7.90 The policy is detailed and distinctive. It is also supported by a well-developed River Corridor Strategy on page 141 of the Plan. I recommend a series of recommendations as follows:

- to marry the first paragraph of the policy with the Strategy. As submitted the policy's geographic extent is uncertain;
- to recognise that not all developments may have the ability to directly implement the second and fourth paragraph of the policy; and
- to recognise that proposals for transport on the River Ouse or the operation of public transport are not land use matters.

**In the first paragraph replace 'In all.... reserved for' with 'Development proposals for riverside sites on both the east and west sides of the River Ouse, as shown in the River Corridor Strategy on page [insert number] should incorporate and/or safeguard land for the construction of'**

**At the beginning of paragraph 2 insert 'Where appropriate'.**

**At the beginning of paragraph 4 insert 'Where appropriate'.**

**Delete paragraph 5.**

**In paragraph 7 replace 'must' with 'should'.**

*At the end of paragraph 10.45 add:*

*'Throughout the Plan period there will be a need for access to maintain flood risk assets. Any works in or near the River Ouse that could affect flood risk or Environment Agency access should previously be agreed through consultation as determined by the Environmental Permitting Regulations for Flood Risk Activities.'*



## Projects

- 7.91 The Plan includes a comprehensive range of projects. The Town Council acknowledges that they are not directly non-land use policies. As such it incorporates them in a separate part of the Plan. In the event that the neighbourhood plan is eventually 'made' they would not become part of the development plan. Nevertheless, in many cases they overlap with the relevant land use policies, and in some cases would be part of the implementation strategy for those policies.
- 7.92 The various projects are also anticipated to be funded in whole or in part from the Community Infrastructure Levy. Paragraph 11.5 advises that the projects are included in no particular order and are not prioritised. Plainly this will be a matter of judgement for the Town Council over time.

### Improvements for Pedestrians (1-13)

- 7.93 This range of projects covers a wide range of pedestrian improvements. They include riverside paths, reworking of pavements and pedestrian crossings.
- 7.94 I am satisfied that the various projects are appropriate and distinctive to the neighbourhood area.

### Improvements for Cyclists (14)

- 7.95 The range of projects are related to the Town Council's ambitions to fund a Cycle Route 90 through the town. Three specific projects are identified.
- 7.96 The language used throughout the section is rather unclear and unstructured with its use of a 'proper' cycle route, 'probably straight in' and issues that 'would need to be sorted out'. I recommend modifications to address these matters. In particular given that the emerging projects are yet developed to any detail I recommend that their indicative routes are deleted. This does not detract from the overall integrity of the thinking contained within the projects. I am otherwise satisfied that the various projects are appropriate and distinctive to the neighbourhood area.

*In the opening part of the policy delete 'proper'.*

*In sections (a) and (b) delete all text in brackets.*

*In section (c) delete all text after the semi-colon. Thereafter replace the semi colon with a full stop'.*

### Road Infrastructure (15-16)

- 7.97 This section of the projects lists two road infrastructure projects (Earwig Corner and Malling Hill/Street).
- 7.98 I am satisfied that the projects are appropriate and distinctive to the neighbourhood area.

### Public Transport Infrastructure (17-20)

- 7.99 This section of projects is more far-reaching than other sections. They include a suitable bus interchange point, a designated park for visiting coaches, completing real-time passenger transport information and exploring means by which the railway line to Uckfield could be re-opened.
- 7.100 I am satisfied that the projects are appropriate and distinctive to the neighbourhood area. Plainly in most cases there is much work ahead. Nevertheless, I can see how their potential implementation would assist in the longer-term sustainability of the neighbourhood area in their different ways.

### Social Infrastructure (21-27)

- 7.101 My recommended modifications to Policy HC2 have the consequential impact of adding three projects to this section.
- 7.102 This section of projects is equally ambitious to those in the public transport infrastructure section. They include new public toilets, the purchase of the St Mary's Social Centre, and contributing towards works at the Malling Community Centre.
- 7.103 In their various ways the projects will assist in delivering the social dimension of sustainable development in the neighbourhood area.

### Improvements to the Built Environment (28-32)

- 7.104 This section includes a more traditional range of projects relating to the built environment. They include enhanced street furniture, tree planting and contributing to a proposal to create a Peace Garden.
- 7.105 In their various ways the projects will assist in delivering the environmental dimension of sustainable development in the neighbourhood area.

### Flood and Drainage Infrastructure (33-34)

- 7.106 This section of projects includes a traditional range of projects relating to flood and drainage infrastructure. They include works in The Avenue, Nevill Road, Bell Lane and Boughley Place.
- 7.107 I am satisfied that the projects are appropriate and distinctive to the neighbourhood area.

### Other matters

- 7.108 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned,

I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for SDNPA and the Town Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

- 7.109 SDNPA, Lewes District Council and other organisations have suggested a series of contextual changes to the supporting text in the Plan. Many of these comments relate to the general text in the introductory sections of the Plan. I have found the various suggestions to be very helpful both in my understanding of the Plan and in testing it against the basic conditions.
- 7.110 As I have highlighted in paragraph 1.4 of this report my remit is limited to examining the Plan against the basic conditions. I cannot recommend modifications which would simply improve the Plan or which would result in it being presented in a different fashion. As such my recommended modifications below are related purely to the areas where modifications are necessary to ensure that the Plan meets the basic conditions. The schedule of recommended modifications below also includes my specific recommendations to ensure that some technical elements of the basic conditions are met.
- 7.111 The schedule includes a recommendation to refine an existing objective of the Plan within Section 5 so that includes built heritage matters. SDNPA has highlighted that the objectives in the Plan do not directly address the built heritage of the town. The inclusion of such an objective would reflect its character and act as a context for the heritage related policies in the Plan. I share this view. The Town Council has accepted the desirability of extending the scope of the objectives to address this matter. In any event the examination process has concluded that the various heritage-related policies meet the basic conditions (with recommended modifications). I recommend accordingly.
- 7.112 My recommended modifications to paragraph 1.15 of the Plan seek to reflect the comments of both Lewes District Council and SDNPA. The modifications reflect the basic conditions test that the Plan is assessed against the extant development Plan (the JCS). However, the Town Council has properly sought to take account of the emerging South Downs Local Plan. Plainly once the emerging Local Plan is adopted it will replace the JCS. The approach that the Town Council has taken is both pragmatic in these complicated circumstances and has regards to national policy.

*Paragraph 1.1 – After the first sentence add: ‘The neighbourhood area was designated on 8 May 2014. It is shown on the map in Appendix 2.’*

*Appendix 2 – Add a North point.*

*Paragraph 1.2 – At the end of the first sentence add: ‘Policies SD1 and SD2 of the Joint Core Strategy have been quashed insofar as they apply to the South Downs National Park’.*

*Paragraph 1.4 – At the end of the paragraph add: ‘The Local Plan was submitted for examination in April 2018’.*

*Paragraph 1.7 – Update to reflect the factual commentary from SDNPA.*

*Paragraph 1.15 – Retain the first two sentences. Thereafter replace the remainder of the paragraph with:*

*‘The development plan situation is complex. The adopted Lewes District Local Plan Part 1: Joint Core Strategy 2010-2030 (JCS) is the key element of the existing development plan. It identifies that 875 homes should be delivered in Lewes. This consists of 415 houses at North Street Quarter, 240 at Old Malling Farm and 220 on other sites to be planned for housing growth. The quashing of Policies SP1 and SP2 of the JCS within the National Park area results in these numbers technically not applying to Lewes. Nevertheless, Policies SP3 and SP4 still apply for the two allocated sites. The emerging South Downs Local Plan includes a largely identical housing growth target within its own Plan period.’*

*Paragraph 1.17 – Delete ‘Please note that’.*

*Paragraph 1.17 – Second sentence before ‘SDNPA’ add ‘emerging’.*

*Paragraph 1.17 – Final sentence replace ‘is unable’ with ‘does not’.*

*Paragraph 4.1 – Delete the final sentence.*

*Section 5 – Insert an additional element into Plan Objective 8 to address built heritage matters as follows:*

*Change Objective title to ‘Built and Natural Environment, Green Spaces & Biodiversity’*

*Incorporate paragraph 5.19 into paragraph 5.18. Insert a new paragraph 5.19 to read:*

*‘The Plan will safeguard and celebrate the rich built heritage of the neighbourhood area. The character and appearance of its conservation areas will be protected through the delivery of the planning process in accordance with national and local policies. The longer-term integrity and effective use of the many listed buildings in the town is a key principle of this Plan. The Plan also recognises that opportunities for sustainable and sensitive economic development and tourism naturally arise from the built heritage of the town.’*

*Paragraph 6.6 – Delete second sentence.*

*Paragraph 8.27 – Replace ‘295’ with ‘283’.*

*Paragraph 8.49 (Locality) – Replace ‘the historic core’ with ‘the conservation areas’.*

*Paragraphs 8.53- 8.59 – The various paragraphs of text appear in the correct order.  
The paragraph numbers are out of sequence.*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2033. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Lewes Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a variety of modifications to the policies in the Plan. Nevertheless, the Plan remains largely unchanged in its role and purpose.

### *Conclusion*

- 8.4 On the basis of the findings in this report I recommend to the SDNPA that subject to the incorporation of the modifications set out in this report that the Lewes Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved on 8 May 2014.

### *Additional Comments*

- 8.6 I am extremely grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. Plainly it has been a long and at times a complicated process. Nevertheless, the Town Council, its Steering Group and the SDNPA have approached the matter with thoroughness and courtesy. The responses to the two clarification notes have been timely and helpful and have provided me with all the necessary information.
- 8.7 In addition the Town Council's positive approach to the various representation received to the submitted Plan has demonstrated a continued willingness to refine the Plan both in general terms, and to ensure that it is up to date in particular. The Town Council's response to the comments from the statutory bodies is exemplary in this respect.
- 8.8 I am also grateful for the way in which SDNPA has maintained a very effective and up-to-date website throughout the examination period. This has allowed all concerned to track its progress. In addition, the various public and statutory bodies have responded

to the submitted Plan in a thorough fashion which has respected the importance of Lewes to the history and environment of the South Downs.

- 8.9 In the event that the neighbourhood plan is eventually 'made' Lewes will face a period of change in general terms, and as the various housing developments proceed in particular. I trust that the robustness of the policies within the neighbourhood plan and the existing and emerging local planning policies will ensure its longer-term attractiveness, the integrity of its setting within the South Downs and its status as a 'gem' town.

**Andrew Ashcroft**  
**Independent Examiner**  
**14 December 2018**