

Report to	Planning Committee
Date	11 April 2019
By	Director of Planning
Title of Report	The Making of the Lewes Neighbourhood Development Plan
Purpose of Report	To make the Lewes Neighbourhood Development Plan part of the South Downs National Park Authority's (SDNPA) statutory Development Plan

Recommendation: The Committee is recommended to:

- 1) Note the outcome of the Lewes Referendum;**
- 2) Agree to make the Lewes Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Lewes.**

1. Summary

- 1.1 The Lewes Neighbourhood Development Plan (LNDP) has progressed to the final stage in production of being 'made' by SDNPA as the local planning authority. Lewes Town Council are to be congratulated on their commitment, hard work and perseverance in delivering their Neighbourhood Plan. Their efforts were rewarded in the referendum on 7 March 2019 on whether the LNDP should be used by the SDNPA for making decisions on planning within the parish of Lewes. 92% voted in favour of the NDP on a turnout of 25%.
- 1.2 The Lewes NDP allocates sites to provide a total of 283 homes during the period of the Plan seeking to meet the need for low cost housing through innovative local policies. The Plan also seeks to conserve and enhance the built and natural environment of Lewes within the setting of the South Downs National Park.
- 1.3 The Lewes NDP is now part of the Development Plan for the parish of Lewes having been through independent examination and receiving the backing of the community in a referendum. SDNPA are required to take a decision to formally 'make' the Lewes NDP within eight weeks of a successful referendum, unless to do so would breach, or would otherwise be incompatible with any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

2. Lewes Neighbourhood Development Plan 2015-2033

- 2.1 The Lewes Neighbourhood Area was designated by the SDNPA on 8 May 2014 (**Appendix I**) and follows the boundary of the parish of Lewes. The Neighbourhood Area includes all of Lewes town. Lewes is situated in the Ouse Valley where the river cuts through the chalk hills of the South Downs. Lewes was settled along a defensible chalk spur overlooking a

bridge point over the River Ouse. The whole of the town and parish of Lewes is within the protected landscape of the South Downs National Park. The development of the town is confined between the South Downs and the river floodplain. Through its history the town has served its population and the wider area as a market town, county town and industrial town. Today the town has a population of around 17,000.

- 2.2 The vision and objectives of the Plan recognise the special characteristics of Lewes as defined by its history, culture and geography that have influenced the development of the built and natural environment in the area. Lewes today serves as an administrative centre, provides commercial and business opportunities for surrounding seaside towns and rural areas and is the largest settlement within a British National Park. The Plan supports sustainable development that acknowledges the special character of the town. The Plan allocates 15 sites of varying size for residential development, providing a total of 283 homes to meet the needs of the town including housing at an affordable cost reflecting local incomes. There are policies to conserve and enhance the natural and built environment reflecting the diverse historic architecture and the setting of the South Downs. A range of different sites have been designated as Local Green Space or Local Community Space reflecting their importance to the community.
- 2.3 Lewes Town Council submitted the NDP to the SDNPA in May 2018. A six week consultation was carried out on the submission NDP from June to July 2018. SDNPA with the agreement of Lewes Town Council, appointed Mr Andrew Ashcroft as Independent Examiner to undertake the Examination. The Examiner published his final report in December 2018, recommending that the NDP with modifications could proceed to referendum. The Examiner acknowledged the special character of the town and commended the Town Council's comprehensive approach in creating policies for development. He noted that the approach, "...provides confidence to all concerned that the Plan has been produced within the context of promoting development in a sensitive and sustainable fashion." He further stated this was particularly appropriate given the natural and heritage context of Lewes.
- 2.4 A Decision Statement on the Examiner's recommendations was agreed by Planning Committee in January 2018. A referendum then took place on Thursday 7 March 2019 with the following result:
 - Turn out: 24.83%
 - Votes & % in favour = 2,993 (92%)
 - Votes & % against = 268 (8%)

3. Making of the Lewes Neighbourhood Development Plan

- 3.1 The Neighbourhood Planning Act 2017 provides that a NDP automatically becomes part of the Development Plan following a successful Referendum. However, the Local Planning Authority (LPA) has a statutory duty to 'make' a neighbourhood plan, within eight weeks of a Referendum, if more than half of those voting have voted in favour of the plan. The LPA is not subject to this duty if (and only if) the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
- 3.2 The Examiner concluded that the Lewes NDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Lewes NDP would be in breach with or incompatible with the legislation.
- 3.3 The Lewes Neighbourhood Plan is now part of the Development Plan for the parish of Lewes. The Lewes NDP sits alongside the Joint Core Strategy 2016 (Lewes Local Plan Part I) and the saved policies of the Lewes Local Plan 2003, until the emerging South Downs Local Plan (SDLP) is adopted. It is anticipated the SDLP will be adopted in summer 2019. At that point the Lewes Neighbourhood Plan, the SDLP and any relevant Minerals & Waste plans would form the Development Plan for the parish of Lewes.

4. Planning Committee

- 4.1 The Lewes NDP was presented to Planning Committee in June 2017 (SDNPA Pre-Submission comments), July 2018 (SDNPA Submission comments) and January 2019 (Decision Statement).

5. Next Steps

- 5.1 The Neighbourhood Planning Regulations 2012 (as amended) require LPAs to publish a statement setting out their decision to make a NDP and reasons for making that decision. This statement should be published as soon as practical after the decision is taken to make the NDP. This report forms that SDNPA Regulation 19 'Decision Statements' for this NDP.
- 5.2 Following the 'making' of the Lewes NDP, copies of the Plan will be made available to the Development Management teams at the SDNPA. The policies maps will also be entered onto the relevant electronic mapping systems.

6. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	<p>Yes – SDNPA have provided a series of grants to LTC to support the cost of preparing the LNDP. The Examination cost was £10,955.88. Prior to the referendum the Plan had cost £29,283.48.</p> <p>The final referendum cost will be lower than expected as a temporary venue at one of the polling stations was not required on the day, saving £3,000.</p> <p>However the SDNPA has received £5,000 in grants and now will be able to claim £20,000 to cover the cost of the Examination and Referendum.</p> <p>Once a NDP is made, a Town or Parish Council is entitled to 25% of Community Infrastructure Levy (CIL) collected from development within the neighbourhood area, as opposed to the capped 15% share where there is no NDP. The Town Council can choose how it wishes to spend these funds on a wide range of things which support the development of the area.</p>
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, Lewes Town Council has prepared a Consultation Statement to support the submission version of the Lewes NDP, setting out how all sections of the local community (people who live, work or carry out business in the neighbourhood area), including hard to reach groups, have been engaged in the plan's production.
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None

Are there any Health & Safety implications arising from the proposal?	None
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p> <ol style="list-style-type: none"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly 	<p>The qualifying body (Lewes Town Council) with responsibility for preparing the NDP must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. The Examiner who assessed the plan considered that it met the requirements if a number of modifications were made. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment</p> <p>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.</p> <p>Habitats Regulation Assessment</p> <p>SDNPA undertook a Habitats Regulations Assessment (HRA) screening report on the Plan. The screening report assessed the impact of the Plan policies on the following European sites; Lewes Downs SAC (Special Area of Conservation), Castle Hill SAC and Ashdown Forest SAC. The report concluded the submitted Plan was unlikely to have significant effects on a European site and that appropriate assessment was not required. A supplement to the screening report was provided in September 2018 to take into account the impact of recent HRA case law.</p>

7. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
A legal challenge to a NDP can be launched by way of judicial review within six weeks of the LPA publishing a decision to make the NDP.	Low	Medium	Officers at SDNPA are satisfied the NDP meets the legal requirements. Given that it has been through the correct statutory process, including Examination and Referendum, the Authority is obliged to 'make' the plan.

TIM SLANEY
Director of Planning
South Downs National Park Authority

Contact Officer: Kevin Wright – Planning Policy Officer
Tel: 01730 819230
Email: kevin.wright@southdowns.gov.uk
Appendices: I. Lewes Designated Neighbourhood Area
SDNPA Consultees: Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning
External Consultees: None
Background Documents: [Lewes NDP Referendum Version](#)
[Lewes NDP Decision Statement](#)
[Lewes NDP Examiners Report](#)

Agenda Item 12 Report PC22/19 Appendix I
Lewes Designated Neighbourhood Area

