

Seaford Neighbourhood Plan 2017-2030 - Examiner's Report

SEAFORD NEIGHBOURHOOD PLAN 2017-2030

Seaford Neighbourhood Plan Examination
A Report to Lewes District Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Seaford Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not 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.

- 2 Taking the above into account, I find that the Seaford Neighbourhood Plan meets the basic conditions¹ and I recommend to Lewes District Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Seaford Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Seaford Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Seaford Town Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Lewes District Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Seaford Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”
(Paragraph 29, National Planning Policy Framework)
- 6 As confirmed in section 1 on page 3 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Seaford Town Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 7 Section 1 of the Basic Conditions Statement also confirms that the Neighbourhood Plan relates only to the designated Seaford Neighbourhood Area and that there is no other neighbourhood plan in place in the Seaford Neighbourhood Area.
- 8 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

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Role of the Independent Examiner

- 9 I was appointed by Lewes District Council, with the consent of the Qualifying Body, to conduct the examination of the Seaford Neighbourhood Plan and to provide this Report.
- 10 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 11 I am a chartered town planner and have seven years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 12 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 13 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Seaford Neighbourhood Area to which the Plan relates.
- 14 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 15 A neighbourhood plan must specify the period during which it is to have effect.
- 16 The title of the Neighbourhood Plan provides a clear reference to the plan period, 2017-2030 and the plan period is also referred to in Paragraph 2.4 on page 5 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan.
- 17 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 18 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 19 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 Further to consideration of the information submitted, I determined not hold a public hearing as part of the examination of the Seaford Neighbourhood Plan.
- 21 However, in order to clarify a number of points in respect of the examination, I wrote to the Qualifying Body and to Lewes District Council and this examination has taken the responses received into account.

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3. Basic Conditions and Development Plan StatusBasic Conditions

- 22 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*² following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 23 Regulations 23 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.³

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

³ *ibid* (same as above).

- 24 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Localism Act);
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 25 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 26 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

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European Convention on Human Rights (ECHR) Obligations

- 27 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 28 In the above regard, I also note that information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Various comments have been received in response to active community engagement during the plan-making process. The Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses to comments and of resulting changes to the Neighbourhood Plan.

European Union (EU) Obligations

- 29 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA). In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁵)
- 30 This process is often referred to as *“screening”*⁶. If likely environmental effects are identified, an environmental report must be prepared.
- 31 Lewes District Council carried out a screening assessment of the Neighbourhood Plan and this concluded that the Neighbourhood Plan required a SEA under the SEA Directive and Environmental Assessment of Plans Programmes Regulations 2004. Further to a scoping report, which was considered by the statutory bodies with environmental responsibilities, Historic England, Natural England and the Environment Agency, an SEA was prepared and submitted alongside the Neighbourhood Plan.

⁵ Planning Guidance, Paragraph 027, Ref: 11-027-20150209,.

⁶ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 32 The statutory bodies, have all been consulted on the SEA and none have raised any concerns with its contents or in respect of the requirement for the Neighbourhood Plan to meet European obligations.
- 33 In addition to SEA, a Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁷. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 34 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) was scoped in by Lewes District Council's Core Strategy Habitats Regulations Assessment (HRA). Ashdown Forest is located around 24km north of the Neighbourhood Area and Lewes District Council's HRA addendum to the Core Strategy (September 2017) concluded that there would be no adverse effect upon the integrity of Ashdown Forest.
- 35 The Sustainability Appraisal submitted alongside the Neighbourhood Plan states that the Neighbourhood Plan and development associated with it can *"be screened out of the Habitats Regulations Assessment."* Neither Lewes District Council nor any of the statutory bodies disagreed with this statement.
- 36 Further to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:
- "It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)"* (Planning Practice Guidance⁸).
- 37 In carrying out the work that it has and in reaching the conclusions that it has, Lewes District Council has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.

⁷ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

⁸ *ibid*, Paragraph 031 Reference ID: 11-031-20150209.

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- 38 In addition to all of the above, I note that, in April 2018, in the case “People Over Wind & Sweetman v Coillte Teoranta (“*People over Wind*”), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.
- 39 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 40 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application. These changes came into force on 28th December 2018.
- 41 Lewes District Council has taken all of the above into account and that it considers the Neighbourhood Plan to be compatible with European obligations.
- 42 Taking this and all of the evidence before me into consideration, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

4. Background Documents and the Seaford Neighbourhood Area

Background Documents

- 43 In undertaking this examination, I have considered various information in addition to the Seaford Neighbourhood Plan.
- 44 I draw attention to the fact that a replacement version of the National Planning Policy Framework was published in July 2018, during the plan making process and that it is this replacement national policy document, which itself was updated in 2019, that the Neighbourhood Plan must have regard to.
- 45 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2019)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Lewes Core Strategy: Local Plan Part 1 (2016) (referred to in this Report as the "*Core Strategy*")
 - Lewes Local Plan 2003 Saved Policies (referred to in this Report as the "*Local Plan*")
 - South Downs Local Plan (2019)
 - Basic Conditions Statement
 - Consultation Statement
 - Strategic Environmental Assessment
 - Habitats Regulations Assessment
 - Evidence Document
 - Representations received
 - Other supporting evidence
- 46 In addition, I spent an unaccompanied day visiting the Seaford Neighbourhood Area.

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Seaford Neighbourhood Area

- 47 The plan of Seaford Neighbourhood Area on page 14 of the Neighbourhood Plan appears confusing. Whilst the title refers to the Neighbourhood Area, the Key does not.
- 48 For clarity and precision, I recommend:
- **Map 1, change the reference in the Key from "Parish Boundary" to "*Neighbourhood Area.*"**
- 49 Lewes District Council formally designated the Seaford Neighbourhood Area on 13th January 2016.
- 50 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 51 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 52 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Seaford Neighbourhood Plan Consultation

- 53 A Consultation Statement was submitted to Lewes District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁹.
- 54 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Seaford Neighbourhood Area, having regard to Paragraph 29 of the National Planning Policy Framework ("*the Framework*").
- 55 Seaford Town Council determined to produce a Neighbourhood Plan and following a launch event in April 2016, established a Neighbourhood Plan Steering Group, supported by Focus Groups, to progress the document. Further to Focus Group workshops, a Young People's Workshop and a Seaford Head School Year 8 Assembly were held and in November 2016, an informal consultation event, attended by around 400 people and a housing workshop took place.
- 56 During the second half of 2016, consultation also included a Call for Sites exercise and housing/young people surveys.

⁹ Neighbourhood Planning (General) Regulations 2012.

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- 57 More workshops took place during the first part of 2017, along with two Residents' meetings. The Steering Group had a stand at the May Town Forum and a Drop-In Event was held in July 2017. The Consultation Statement provides evidence of engagement with local business and with Lewes District Council and the South Downs National Park Authority.
- 58 Pre-submission consultation was held during November and December 2017. This was supported by three separate events. Comments were reviewed and further to significant changes to the emerging plan, a second pre-submission consultation took place during November and December 2018. Comments received informed the submission version of the Neighbourhood Plan.
- 59 Public consultation was supported by frequent and regular Steering Group meetings and through the provision of information on the Town Council website, as well as on a dedicated website. Plan-makers made use of social media, press releases and articles in the local press, posters, flyers and even the local radio station, Seahaven FM, to ensure publicity.
- 60 The Consultation Statement provides ample evidence to demonstrate that public consultation formed a fundamental part of the plan-making process. Consultation was comprehensive, well-publicised and matters raised were duly considered.
- 61 Taking all of the above into account, I am satisfied that the consultation process was robust and that it complied with the neighbourhood planning regulations referred to above.
- 62 During the course of this examination, I have been sent unsolicited information in respect of a complaint. Whilst this complaint is a separate matter from the examination of the Seaford Neighbourhood Plan, I note that as set out above, the public consultation process complied with the neighbourhood planning regulations.

6. The Neighbourhood Plan – Introductory Section

- 63 Following the background paragraphs on page 1, the first ten pages of the Neighbourhood Plan set out, in full, the Policies and Community Actions, which then appear with supporting text on pages 27 to 86. Such an approach is repetitious and makes for a rather long and unwieldy document. It also serves to separate Policies from important supporting information.
- 64 For precision and clarity, I recommend:
- **Delete the “List of Planning Policies and Community Aspirations proposed in this plan” (delete from two thirds down page 1 to the end of page 11)**
- 65 The final part of the “*How to read*” section appears a little confusing. The main purpose of the Neighbourhood Plan is to set out Policies to help determine planning applications, which themselves are determined by the Local Planning Authority. For clarity, I recommend:
- **Page 13, Para 1.6, retain first sentence and delete the rest of the paragraph**
- 66 The summary of Government policy provided in Para 2.1 is limited in its scope and appears subjective. In addition, Para 2.2 misinterprets the basic conditions, which are set out earlier in this Report. I recommend:
- **Delete Para 2.1**
 - **Change Para 2.2 to “...conformity with *local strategic planning policies and it must have regard to national policy.* Neighbourhood plans are...”**
- 67 The font size on the second bullet point under 2.3 is smaller than the rest of the text and for clarity, I recommend:
- **Para 2.3, correct font size and change middle sentence to “...set out in the Sustainability Appraisal, *which forms part of the background information supporting this Plan.*”**

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- 68 The National Planning Policy Framework (*"the Framework"*) was revised in 2019 and for precision, I recommend:
- **Change the "NPPF 2018" references on pages 15 and 16 (and anywhere else "NPPF 2018" appears) to "NPPF"**
- 69 For precision, I recommend:
- **Para 2.7, change second sentence to "...strategic policies of the *development plan*."**
- 70 The basic conditions require neighbourhood plans to be in general conformity with *adopted* strategic policies. The South Downs National Park Local Plan has recently been adopted¹⁰. I recommend:
- **Para 2.3, bullet points, delete "and emerging Part 2" and change to "*The South Local Plan 2019*"**
 - **Para 2.9, delete last sentence, which is not the case**
 - **Delete Para 2.10**
 - **Change Para 2.11 to "*The South Downs Local Plan was adopted in 2019.*"**
- 71 Part of Para 2.13 and Para 2.15 have been overtaken by events. I recommend:
- **Para 2.13, first line, delete "have" and delete last sentence "This means..."**
 - **Delete Para 2.15**
- 72 For clarity, I recommend:
- **Para 2.16, second sentence, change to "*This comprised:*"**
 - **Para 2.16, second bullet point, delete "(current stage);"**

¹⁰ The South Downs Local Plan was adopted on 2nd July 2019.

73 It is unnecessary for the Neighbourhood Plan to set out what the Examiner must do. However, the basic conditions are fundamental to neighbourhood planning and I recommend:

- **Para 2.17, change first sentence to “*The Neighbourhood Plan must meet the ‘Basic Conditions.’ The Basic...*”**
- **Para 2.19, change first sentence to “*The Neighbourhood Plan must also meet other legislative requirements, namely:*”**
- **Delete Paras 2.20 and 2.21**

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7. The Neighbourhood Plan – Neighbourhood Plan Policies**Policy SEA1: Development within or affecting the South Downs National Park**

- 74 The settlement of Seaford is surrounded to three sides by the South Downs National Park (referred to in this Report as “*the National Park*”) and that part of the Neighbourhood Area situated outside the settlement itself is located within the National Park. Consequently, much development within the Neighbourhood Area is likely to have an impact on the National Park or its setting.
- 75 The Neighbourhood Plan, on page 16, clearly identifies the statutory purposes of our National Parks – to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- 76 Paragraph 172 of the National Planning Policy Framework (“*the Framework*”) establishes that:
- “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks...which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks...”*
- 77 In general terms, Policy SEA1 seeks to ensure that development proposals that impact on the National Park demonstrate that they will conserve and enhance its landscape. In this way, the Policy has regard to national policy.
- 78 However, as set out, the Policy appears confusing. Whilst the aim of establishing a landscape approach to development in order to conserve and enhance the National Park forms part of the introduction, as set out, parts of the Policy appear to require a variety of things to be conserved and enhanced, regardless of whether or not they relate to the National Park.

- 79 Policy SEA1 is a Policy that relates to the National Park and its setting. Development that has no impact on the National Park or its setting is not relevant to the Policy. Policy SEA1 refers to matters, including various views, the Heritage Coast and various parts of Seaford, without evidence that they all clearly relate to the National Park or its setting.
- 80 In this regard, parts of the Policy are not supported by an appropriate evidence base, contrary to national planning guidance¹¹, which requires a neighbourhood planning policy to be:
- “...clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
- 81 Whilst Policy SEA 1, as worded, requires all development within or affecting the National Park to have a landscape-led approach, it may be that this is simply not relevant or deliverable for some forms of development – such as household applications or other smaller applications, for example, for an ATM machine and the recommendations below take this into account.
- 82 Policy SEA 1 states that *“development will be permitted”* subject to five criteria. Notwithstanding the fact that the Neighbourhood Plan has no decision-making powers and it is for the Local Planning Authority to determine whether or not a development will be permitted, such an approach runs the risk of effectively pre-determining a planning application without allowing for a balanced consideration of all relevant factors. This could result in a failure to contribute to the achievement of sustainable development, contrary to the basic conditions referred to earlier in this Report.
- 83 Policy SEA 1 refers to *“key views.”* These are identified as arrows on an indicative plan on page 30 of the Neighbourhood Plan, but are themselves taken from a Chapter (*“Significant Public Views – Views Selected by Residents”*) of a supporting document from the Neighbourhood Plan's evidence base entitled *“Landscape Character Views.”*
- 84 There is significant evidence to demonstrate that the views identified are important and attractive views that are held dear by the local community.

¹¹ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

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- 85 Given this, it is appropriate for the Policy to take these views into account. However, some of the views (a small proportion of the total) appear neither from, nor of, the National Park or its setting and it is not clear why these are relevant to a Policy concerned with the National Park and its setting.
- 86 Notwithstanding the above, to some degree, the intention of this part of Policy SEA 1 is in general conformity with South Downs National Park Local Plan Policy SD6 ("*Safeguarding Views*"). It is appropriate for the Policy to take important views, that have emerged through the plan-making process and the robust consultation that sat alongside it, into account.
- 87 The visual impact of development on the National Park and its setting is likely, in many cases, especially in respect of larger development proposals, to be fundamental as to whether or not a proposal as a whole will conserve and enhance the National Park and important views will be a relevant consideration. I note in this regard, that Policy SEA1 would need to be considered alongside other development plan policies relevant to the National Park.
- 88 In respect of part e) of the Policy, it is not clear, in the absence of any detailed evidence, what "*appropriate management*" of ecological, heritage and geological features might comprise, who might judge this and on what basis. This part of Policy SEA 1 is neither precise nor supported by appropriate evidence.
- 89 Consequently, as set out, this part of the Policy does not have regard to Paragraph 16 of the Framework, which requires plans to:
- "...be prepared positively, in a way that is aspirational but deliverable;"*
- 90 The Policy ends with vague and ambiguous requirements relating to the River Cuckmere. The "*margins and associated wetlands*" of the River are not defined by the Neighbourhood Plan and there is no baseline information provided in respect of precisely what its "*quiet and natural character*" comprises; what an "*indirect effect on its wildlife and geological features*" would comprise, who would judge this, on what basis and why this would, in all instances be a relevant land use planning matter; precisely what allowance for natural coastal erosion should comprise and why; how a proposal should respond to climate change and how this might be judged; and why a proposal should facilitate "*naturally functioning river systems*," how these are defined, who by and on what basis, and why they are relevant land use planning matters.

- 91 The final part of the Policy is contrary to national guidance, identified above and does not provide a decision maker with a clear indication of how to respond to a development proposal, having regard to the requirements of Paragraph 16 of the Framework in respect of plan-making.
- 92 In respect of the supporting text, Paragraphs 6.3, 6.4 and part of 6.7 of the Neighbourhood Plan comprise unnecessary background information, the inclusion of which within the Policy section appears confusing and serves to detract from the clarity of the Policies and relevant supporting information.
- 93 Taking all of the above into account, I recommend:
- **Change Policy SEA1 to “*Development within or impacting upon the South Downs National Park should have a landscape led approach to design, having regard to the setting of the National Park in terms of its landscape and visual amenity. Development within or impacting upon the South Downs National Park must respect: a) the landscape...e) features of biodiversity, geological and heritage interest.*” (end of Policy)**
 - **Delete Paras 6.3 and 6.4**
 - **Para 6.7, delete last sentence on page 28 (“Any...example”)**

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Policy SEA2: Design

94 National planning policy recognises that:

“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” (Paragraph 124, the Framework)

95 Core Strategy Core Policy 11 (*“Built and Historic Environment and High Quality Design”*) seeks to ensure high quality design in all new development across Lewes.

96 In general terms, the overarching aim of Policy SEA2 is to support high quality design in the Neighbourhood Area and in this way, it is in general conformity with the Core Strategy and has regard to national policy.

97 The Policy states that all new development *“will have regard”* to the General Design Guidelines for Seaford. This is a supposition and there is no substantive evidence to demonstrate that it will happen. Whilst the General Design Guidelines for Seaford do not comprise adopted planning policy, the Neighbourhood Plan makes it clear that the community would like the guidance within the document to be taken into account by developers. Policy SEA2 can provide for this and I make a recommendation below that enables this to happen in a manner that meets the basic conditions.

98 Like a number of other Policies in the Neighbourhood Plan, Policy SEA2 includes the reference *“subject to other relevant development plan policies.”* This is unnecessary, as all development plan policies should be taken together. Its inclusion detracts from the concise nature of the Policy, contrary to national guidance and results in the Policy appearing unduly cumbersome.

99 Like the preceding Policy in the Neighbourhood Plan, Policy SEA2 includes the phrase *“will be permitted.”* Again, amongst other things, this runs the risk of effectively pre-determining a planning application without allowing for a balanced consideration of all relevant factors. It could result in unintended support for unsustainable forms of development and lead the Neighbourhood Plan to fail to contribute to the achievement of sustainable development.

100 Policy SEA2 sets out a long and detailed list of requirements. There is no substantive evidence to demonstrate that all of these are relevant to all forms of development, or that all of these are deliverable. However, each criterion contains useful and helpful guidance and this is taken into account in the recommendations below.

101 As set out, much of the supporting text to Policy SEA2 reads as though it comprises a Policy, which it does not.

102 I recommend:

- **Policy SEA2, delete the introduction (first two sentences) and replace with: "*Development in the Neighbourhood Area should demonstrate high design quality. Development should have regard to the General Design Guidelines for Seaford and give consideration to the following criteria:*" (retain criteria a) to j) here**
- **Page 31, supporting text, delete everything after first sentence (from "Criteria g)..." to "...and wildlife.") and replace with "*Policy SEA2 requires development to demonstrate high quality and encourages developers to take these Guidelines and other relevant factors into account.*"**

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Policy SEA3: Conservation Areas

- 103 National policy, as set out in Chapter 16 of the National Planning Policy Framework (“the Framework”), “*Conserving and enhancing the historic environment,*” establishes that heritage assets are an irreplaceable resource.
- 104 National policy establishes a carefully nuanced approach to conserving heritage assets in a manner appropriate to their significance. This takes full account of the desirability of not just sustaining and enhancing their significance and putting them to viable uses consistent with their conservation, but also of the desirability of new development making a positive contribution to local character and distinctiveness.
- 105 Core Strategy Core Policy 11 reflects national policy at the District-wide level.
- 106 Policy SEA3 fails to have regard to national planning policy, as set out in Chapter 16 of the Framework, or local strategic policy, as set out in Core Strategy Core Policy 11. Rather, it sets out an entirely different approach to that established by national policy. This includes the Policy stating that development that meets very specific criteria - which do not themselves have regard to national policy - “*will be permitted.*” As a consequence, Policy SEA3 runs the risk of supporting unsustainable forms of development, contrary to national policy.
- 107 By way of example, the Policy requires development to “*reinstate historic elements wherever possible.*” It seeks to prevent all development that requires any demolition relating to unlisted buildings that make a positive contribution to the Conservation Area. It requires all development to protect various open spaces, trees and public views. None of these departures from national heritage policy are supported by detailed evidence in justification of not having regard to the Framework; or evidence to demonstrate that they reflect an approach that contributes to the achievement of sustainable development.
- 108 Rather, the approach set out serves to prevent the balanced consideration of the benefits and any degree of harm arising from a development proposal, contrary to the relevant national policy tests established in Chapter 16 of the Framework.
- 109 As worded, the Policy does not meet the basic conditions.

- 110 The final part of Policy SEA3 refers to permitted development and taking into account the recommendations below, a minor change to the supporting text is required.
- 111 However, notwithstanding all of the above, further to the consideration of all relevant information, it is clear that one of the aims of the Policy is to conserve and where possible, enhance the Conservation Areas in the Neighbourhood Area. Such an aim has regard to national policy.
- 112 Taking everything into account, I recommend:
- **Policy SEA3, delete text and replace with “*Conservation Areas and their settings must be conserved or enhanced in a manner appropriate to their significance. The enhancement of a Conservation Area or its setting will be supported.*”**
 - **Supporting text, page 33, delete last sentence of Para 6.12 (“It is considered...text.”)**

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Policy SEA4: Bishopstone Conservation Area

113 Bishopstone has an attractive “*isolated*” character and Policy SEA4 seeks to protect the qualities associated with this.

114 Paragraph 127 of the Framework requires development to be:

“...sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.”

115 To a considerable degree, Policy SEA4 has regard to national policy.

116 However, nowhere does national or local planning policy seek to identify areas where any form of development will be prevented. Rather, sustainable development provides for the balanced consideration of harm and benefits, taking relevant policies into account. In simply seeking to stop all forms of development, part of Policy SEA4 is in direct, unjustified conflict with national policy.

117 Much of the Policy refers, unnecessarily, to other development plan policies and like previous Neighbourhood Plan Policies, its reliance upon the use of the phrase “*will be permitted*” runs the risk of pre-determining the planning application process and fails to contribute to the achievement of sustainable development.

118 Part of the supporting text reads as though it comprises a Policy, which it does not.

119 Taking the above into account, I recommend:

- **Change wording of Policy SEA4 to “*Development affecting Bishopstone Conservation Area or its setting must demonstrate how it respects the isolated character and downland setting – including the valley and ridgelines around the valley – of the village.*”**
- **Supporting text, page 36, change second sentence of Para 6.16 to “*The Town Council is concerned to ensure that further development beyond the existing limits of development adjacent to these ridgelines does not damage the setting of the Conservation Area.*”**

- **Change second sentence of Para 6.17 to *“Whilst not a Policy requirement, the Town Council would be supportive of the creation of an off-street parking area that enhances historic environment and improves amenity in this area.”***

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Policy SEA5: Areas of Established Character

- 120 As referred to earlier in this Report, national policy requires planning policies to ensure that developments are:
- “...sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.”*
(Paragraph 127, the Framework)
- 121 Further to this, Chapter 12 of the Framework, *“Achieving well-designed places,”* requires design policies to:
- 122 *“...be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics.”* (Paragraph 125)
- 123 Policy SEA5 identifies Seaford’s important, established character areas. The supporting text to the Policy summarises the attributes that contribute to each area’s character and in general terms, having regard to national policy, the Policy itself seeks to ensure that development is sympathetic to these qualities.
- 124 As worded, the Policy promotes a different approach to national policy, in requiring the *“retention”* of various things. However, no evidence is provided to justify the direct conflict with national policy, whereby such an approach would prevent appropriate innovation or change (and would raise issues in respect of permitted development rights in addition to the right for a householder to apply for planning permission).
- 125 Map 3 only shows the general location of Areas of Established Character and fails to identify each specific Area. The Map lacks precision and clarity.
- 126 Consequently, having regard to national policy and taking into account the work and aspirations of the local community, I recommend:
- **Policy SEA5, change first sentence to *“Development within Areas of Established Character, as shown on Map X (provide appropriate number, consecutive to previous Map and change subsequent numbers), must demonstrate how it respects and appears in keeping with the existing character of the Area in terms of spaciousness...trees and landscaping. The Areas of Established Character in Seaford are: (retain bullet point list)”***

- **Remove Areas of Established Character from Map 3 and change title of that Map to Conservation Areas. For precision and clarity, identify each Conservation Area in the key**
- **Provide a new Map, entitled "*Areas of Established Character*," showing the location of each Area and clearly identifying each Area in the key**
- **Supporting text, page 38, delete last two sentences (which are incorrect and unnecessary, respectively)**

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Policy SEA6: Development on the Seafront

- 127 Policy SEA6 identifies the qualities of Seaford's Seafront and seeks to protect these, having regard to Chapter 12 of the Framework, referred to above and in general conformity with Core Strategy Core Policies 10 ("*Natural Environment and Landscape Character*") and 11 ("*Built and Historic Environment and High Quality Design*"), which together amongst other things, seek to conserve the area's natural, landscape and built qualities.
- 128 In using the phrase "*will be permitted,*" Policy SEA6 runs the risk of pre-determining the planning application process. Further, in requiring all development to meet a series of detailed requirements not demonstrated to be deliverable or even relevant to all proposals, the Policy fails to have regard to Paragraph 16 of the Framework, referred to earlier in this Report.
- 129 The supporting text refers to the replacement of adopted District-wide policies. The Neighbourhood Plan only applies to the Neighbourhood Area.
- 130 Taking the above into account, I recommend:
- **Policy SEA6, change first sentence to: "*Development at Seaford Seafront, as identified on Map 4, should have regard to the General Design Guidelines for Seaford and should respond to the following design principles, as appropriate:*"**
 - **Change bullet points to "*a) development should not detract...Seafront.*
b) development should be designed...maintenance;
c) development should be...vistas and respects the setting...Gateways;
d) development should conserve or enhance the...Tide Mills);
e) development should conserve or enhance the...seafront; and
f) development should take opportunities to enhance the public realm and improve walking and cycling facilities."**
 - **Supporting text, Para 6.28, delete last sentence "It is considered...policy."**

Policy SEA7: Recreational Facilities

131 National policy recognises that:

“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities...” (Paragraph 96, the Framework)

132 National policy states that existing open space, sports and recreational buildings and land should not be built on unless at least one out of three exceptions are met (Paragraph 97, the Framework). Policy SEA7 repeats these exceptions.

133 Policy SEA7 seeks to protect open spaces, having regard to national policy.

134 Taking into account the fact that Lewes District Council is the decision-making local planning authority, subject to replacing the phrase *“will be permitted”* with *“will be supported,”* the first half of Policy SEA7 meets the basic conditions.

135 The second part of Policy SEA7 is not a land use planning policy, but comprises a simple list.

136 I recommend:

- **Policy SEA7 change first sentence to *“The development of existing...playing fields, will not be supported unless:”* (retain bullet points a. to c.)**
- **Move second part of Policy (*“The following...Crouch”*) to the supporting text, to form a new paragraph following Para 6.32**

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Policy SEA8: Local Green Space

137 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 99 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

138 The Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 101, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

139 Given the importance of the designation, it is appropriate that areas of Local Green Space are clearly identified in the Neighbourhood Plan itself. The Figures identifying each Local Green Space are small and provided on a poor quality map base. This makes the detailed identification of boundaries difficult and I make a recommendation in this regard, below.

140 The designation of land for Local Green Space must meet the tests set out in Paragraph 100 of the Framework.

141 These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.

142 The Neighbourhood Plan seeks to designate twelve areas of land as Local Green Space. Sites 4, 8, 10 and 12 are considered in further detail below. In respect of the other sites, I consider these to be uncontentious and note that there is clear evidence to demonstrate that each site meets the appropriate national policy tests and is appropriate for designation.

- 143 Both Tidemills (site 10) and Land at Grand Avenue (site 12) appear to comprise extensive tracts of land. Consequently, these two sites do not meet the national policy tests and it is not appropriate to designate them as Local Green Space. Whilst I am aware that there is no established size threshold for areas of Local Green Space and that such areas differ in size, I find that, relative to the size of Seaford and the Neighbourhood Area, sites 10 and 12 appear to me, to comprise extensive tracts of land.
- 144 Whilst I note that the Qualifying Body consider that Natural England would support the designation of sites 10 and 12, Natural England is not responsible for the determination of whether or not a proposed Local Green Space comprises an extensive tract of land.
- 145 There is little in the way of substantive evidence to demonstrate why land North of South Barn (Chyngton Way Field) (site 4) is demonstrably special. The information set out in the supporting Local Green Space report (pages 22-28) appears very general, to the extent that much of it could relate to just about any open space anywhere. Consequently, I cannot conclude that this site meets the relevant national policy tests.
- 146 Site 8 splits into two parts, land at The Old Brickfield and land adjacent to 47 Surrey Road. Whilst the second of these areas is not publicly accessible, both sites appear to share various characteristics (identified in supporting evidence) and I noted the presence of wildlife around the pond that appears as a significant feature adjacent to Surrey Road.
- 147 Taking account of these factors, I am satisfied that there is sufficient evidence to demonstrate that Site 8 is demonstrably special to the local community and that it holds a particular local significance. I am satisfied that Site 8 meets the relevant national policy tests.
- 148 National Policy requires that policies for managing development within a Local Green Space should be consistent with those for Green Belts and the recommendations below take this into account.
- 149 The plans of each Local Green Space provided in the Neighbourhood Plan are insufficient for such an important land use policy designation as it is not possible to identify the precise boundaries of each Local Green Space.
- 150 I also note that all areas of Local Green Space need to pass the relevant tests and it is unnecessary and confusing for the supporting text of the Neighbourhood Plan to refer to one Local Green Space in particular.

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151 I recommend:

- **Policy SEA8 delete sites 4, 10 and 12**
- **Update Map 6 to take the above into account**
- **Provide a new set of plans, to be provided within the Neighbourhood Plan, following Map 6, clearly identifying the precise boundaries of each Local Green Space on an Ordnance Survey (or similar) base**
- **Change first sentence of Policy SEA8 to “...as shown on Map 6 *and the following plans:*”**
- **Change last sentence of Policy SEA8 to “*The management of development within areas of Local Green Space will be consistent with that for development within Green Belts.*”**
- **Supporting text, page 45, delete second , third and last sentence of Para 6.34 (“This reviewed...to Map 6.”)**

Policy SEA9: Allotments

152 Chapter 8 of the Framework, "*Promoting healthy and safe communities,*" requires planning policies to aim to achieve healthy, inclusive and safe places. In order to achieve this, national policy promotes policies which:

"...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of...access to healthier food, allotments..."

(Paragraph 91, the Framework)

153 Policy SEA9 seeks to prevent the unnecessary loss to the Neighbourhood Area of allotments, recognised by the community as comprising a very important resource. Subject to changing the phrase "*will be permitted,*" taking into account earlier comments in this Report, Policy SEA9 contributes to the achievement of sustainable development and meets the basic conditions.

154 I recommend:

- **Change Policy SEA9 to "...Map 7 will only *be supported* if it is demonstrated..."**
- **First line of supporting text, page 47, change typo to "*indicated*"**

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Policy SEA10: Health Facilities

155 I note earlier in this Report that, in order to support the examination of the Neighbourhood Plan, I wrote a letter to the Qualifying Body and to the Local Planning Authority, asking for clarification on various matters.

156 In response to this letter, the Qualifying Body informed me that, having taken into account all of the representations received, it would like to delete Policy SEA10 from the Neighbourhood Plan.

157 The deletion of this Policy does not prevent the Neighbourhood Plan from meeting the basic conditions.

158 I recommend:

- **Delete Policy SEA10 and all supporting text (Paras 6.37A – 6.37C, inclusive)**

Policy SEA11: New Business Space at Cradle Hill

159 Policy SEA11 allocates employment land adjacent to an existing industrial estate, having regard to Paragraph 80 of the Framework, which states that planning policies:

“...should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on...wider opportunities for development.”

160 There is no need for the Policy to seek to introduce a Policy in respect of excavation, which is, in any case, unsupported by evidence of deliverability, as the Policy already limits development heights to that of surrounding buildings. In this respect, I also note that the Policy includes a vague reference to *“generally prevailing levels”* and as such, lacks precision and clarity.

161 The Policy requirement in respect of off-site highway works is unsupported by any substantive evidence of deliverability and in the absence of detailed information, it is not clear why, in all cases where off-site highway works are required, such works should be *“proportional to the additional traffic created.”* The Policy lacks evidence, clarity and precision in this regard.

162 It is not clear, in the absence of any detailed information, what the estate roads will comprise and when the *“layout”* of all of them will occur. This results in uncertainty and a lack of precision in respect of the requirements for landscaping and is a matter addressed in the recommendations below.

163 Much of the supporting text in the latter part of Paragraph 6.42 reads as though it comprises a Policy requirement. It does not.

164 I recommend:

- **Policy SEA11, first sentence, delete “, subject to other relevant development plan policies and the following criteria:” and replace with *“subject to the following criteria:”***
- **Delete bullet points a) and c) (NB, if off-road highway works are a pre-requisite of development, then they will, in any case, need to be provided)**

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- Change bullet point d) to “but no less than four *metres.*” (delete rest of sentence)
- Provide two new bullet points “*Development should be designed to minimise visual impacts on the South Downs National Park.*

Development must not harm highway safety and should provide for safe access.”

- Supporting text, page 52, line 7, change to “...extension may need to be excavated to ensure that buildings do not appear visually intrusive. The provision of a landscape buffer will screen the estate from wider views and again, prevent the site from appearing visually intrusive in its surroundings.”
- Supporting text, delete from “Access to the area of land...” to the end of the Para on page 52

Policy SEA12: Visitor Accommodation in Seaford

- 165 Whilst the intent of Policy SEA12 appears supportive of new visitor accommodation, having regard to Chapter 6 of the Framework, "*Building a strong, competitive economy*," the wording of the Policy is vague and unsupported by appropriate evidence.
- 166 It is not clear, in the absence of any detailed evidence, why it would be appropriate for any form of visitor accommodation to be constructed in the countryside or how existing visitor accommodation might be protected on the basis of a comparison of social, economic and environmental benefits.
- 167 I recommend:
- **Change wording of Policy SEA12 to "*The development of visitor accommodation within Seaford will be supported, subject to it respecting local character, residential amenity and highway safety.*"**
 - **Delete last sentence of Para 6.43 ("A number...town.")**

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Policy SEA13: Footpath to Church Lane

168 Chapter 9 of the Framework, "*Promoting sustainable transport*," promotes sustainable patterns of movement and Paragraph 98 of the Framework requires planning policies to:

"...protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users..."

169 Policy SEA13 safeguards the route of a footpath and in so doing, has regard to the Framework and is in general conformity with Core Strategy Core Policy 13 ("*Sustainable Travel*"), which supports the development of a network of high quality walking routes.

170 As set out, the Policy refers to "*recognised standards*" without identifying what these might be. The Policy is imprecise in this regard. The Policy also goes on to impose a requirement on the Local Authority, something which it is beyond the powers of the Neighbourhood Plan to control.

171 The plan of the safeguarded route is inappropriate for inclusion in the Neighbourhood Plan as it is practically impossible to understand the precise area of land that is safeguarded.

172 I recommend:

- **Policy SEA13, first line, delete "(meeting recognised standards)"**
- **Delete last sentence ("The local...way.")**
- **Provide a plan in addition to Map 9, at an appropriate scale, so that the precise boundaries of the safeguarded route are clearly discernible against an Ordnance Survey, or equivalent, base.**

Policy SEA14: Safeguarding Future Transport Projects

173 Generally, Policy SEA14 seeks to safeguard land from development so as to provide for the possible future re-dualling of the rail line through Seaford. This has regard to the Framework's support for the promotion of sustainable patterns of movement and is in general conformity with Core Strategy Core Policy 13 ("*Sustainable Travel*") which seeks to:

"Encourage improvements to existing rail services..."

174 As set out, the Policy includes an ambiguous reference to development that would "*inhibit*" the implementation of the Policy, without supporting evidence or justification.

175 Map 9 does not show the precise boundaries of the area to be safeguarded, resulting in an inappropriately imprecise Policy.

176 The second bullet point of Paragraph 6.48 and the whole of Paragraph 6.50 of the supporting text do not relate to Policy SEA14.

177 Taking all of the above into account, I recommend:

- **Policy SEA14, change wording to "*The land identified on Map 9 (and further Maps if required in order to show precise boundaries) is safeguarded from any development that would prevent the re-dualling of the train line.*"**
- **Provide a replacement Map 9 (on more than one plan if necessary) to show the precise boundaries of the land to be safeguarded**
- **Delete the second bullet point of Para 6.48**
- **Delete Para 6.50**

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Policy SEA15: Site Allocations

178 Whilst there is no requirement for a neighbourhood plan to allocate land for development, the Neighbourhood Plan seeks to allocate land for housing. Policy SEA15 allocates land for 218 dwellings, against a minimum requirement of 185 dwellings.

179 In this regard, Lewes District Council states:

"Lewes District Council is satisfied that the sites allocated in Policy SE15 are viable and deliverable in the Plan period."

180 Whilst representations have been submitted that question whether or not all of the sites listed in the Policy are deliverable over the plan period, I am mindful of the above and that there is no substantive evidence before me to demonstrate that Policy SEA15 of the Neighbourhood Plan prevents the achievement of sustainable development.

181 I recommend:

- **Change wording of Policy SEA15 to *"To contribute to the development of at least 185 dwellings in the Neighbourhood Area during the plan period, the following sites, as defined on Map 10, have been identified as sites where residential development (approximate number of dwellings shown in brackets) will be supported:"***
- **Add new sentence to follow on from list of sites, *"Site viii, the Old House Depository site was delivered during the plan period, prior to the making of the Neighbourhood Plan."***
- **Delete site x. (further to deletion of Policy SEA10)**
- **Para 6.52, change *"6,900"* to *"6,926"* and *"100 homes"* to *"125 homes"***
- **Para 6.53, last sentence, change to *"...leaves a minimum requirement of 183 (rounded up..."***

- **Delete last bullet point on page 59, which is confusing and unnecessary**
- **Delete Paras 6.59 and 6.60**

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Policy SEA16: Dane Valley Project

- 182 Policy SEA16 supports the masterplan-led development of a large area of brownfield land.
- 183 Whilst, in general terms, this has regard to the national policy aims, as established by the Framework, of providing for sustainable growth and making effective use of brownfield land, the detailed approach set out in Policy SEA16 is not supported by appropriate evidence and consequently, does not meet the basic conditions.
- 184 The Policy states that the site will deliver 131 dwellings, of which 27 “*may be deliverable*” beyond 2030. However, the Neighbourhood Plan only runs to 2030.
- 185 The figure of 131 dwellings is a “*conservative estimate.*” There is no substantive evidence to demonstrate that the land identified will deliver 131 dwellings. There is no substantive evidence to demonstrate that 104 dwellings will be delivered during the plan period.
- 186 The land identified is heavily constrained and there is insufficient evidence to reach the firm conclusion that constraints will be overcome during the plan period. Consequently, it is not known how many homes will be delivered, or how and when they might be delivered.
- 187 Much of the supporting text contains vague information that demonstrates that the Project is at a very early stage and is subject to considerable change.
- 188 I recommend:
- **Policy SEA16, delete text and replace with “*The comprehensive masterplan-led development of the Dane Valley Project area, identified on Map 11, for residential and employment use will be supported. Development proposals must demonstrate how they take into account the following: High quality design; flood risk; contaminated land; biodiversity; sustainable patterns of movement; surface and foul drainage; highway safety; phasing.*”**
 - **Supporting text, Para 6.61, delete everything after second sentence (“In November...Christmas 2018.”)**
 - **Delete Para 6.62**

Policy SEA17: Florence House

189 Policy SEA17 sets out requirements aimed at safeguarding archaeology and ecology. It contributes to the achievement of sustainable development and no changes to the Policy are recommended, although there is one error in the supporting text.

190 I recommend:

- **Change line three to "...Local Plan 2003."**

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Policy SEA18: Seaford Planning Boundary

191 Policy SEA18 seeks to prevent development outside Seaford's settlement boundaries.

192 Nowhere does national or local planning policy seek to identify areas where no development will be permitted.

193 The approach set out in Policy SEA18 serves to prevent the balanced consideration of the benefits and harm that may arise from a planning proposal and it does not contribute to the achievement of sustainable development.

194 The Qualifying Body has referred to an emerging development plan policy in support of its approach. Whilst the basic conditions require the Neighbourhood Plan to be examined against the adopted policies of the development plan, advanced emerging policies and the information supporting them may comprise relevant considerations. However, the wording of this emerging policy differs considerably from that of Policy SEA18 and I recommend:

- **Delete Policy SEA18**
- **Delete Para 6.63**
- **Delete Map 12**

Policy SEA19: Windfall development

195 National planning policy supports the redevelopment of brownfield land, with the aim of making:

"...as much use as possible of previously-developed or 'brownfield' land."
(Paragraph 117, the Framework)

196 National planning policy supports the development of brownfield sites and the re-use of buildings within settlements, within the countryside and even within the Green Belt. It does not seek to limit the re-use of brownfield land to locations within settlement boundaries.

197 To some degree, Policy SEA19 supports the re-use of brownfield land. However, the Policy seeks to limit the re-use of brownfield land to that which is located within the settlement of Seaford. This approach does not meet the basic conditions.

198 The Policy goes on to encourage development that can already take place without the need for planning permission. This is unnecessary. Also, the Policy is not supported by any detailed evidence to demonstrate how the building of homes above shops and businesses will be *"encouraged."*

199 Policy SEA19 does not refer to windfall development and consequently, the title is imprecise. There is no substantive evidence to demonstrate that the only possible development that can come forward in the Neighbourhood Area to 2030 will be on brownfield land.

200 I recommend:

- **Change wording Policy SEA19 to *"The redevelopment of brownfield or previously-developed land will be supported, subject to respecting local character, residential amenity and highway safety."***
- **Change title of Policy and supporting text to *"Brownfield Development"***
- **Delete Paras 6.64 and 6.65 and replace with *"National and local policy supports the reuse of brownfield land. Policy SEA19 encourages the re-use of brownfield land within the Neighbourhood Area."***

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Policy SEA20: Utility Infrastructure

201 Paragraph 81 of the Framework states that planning policies should:

"...seek to address potential barriers to investment, such as inadequate infrastructure..."

202 Policy SEA20 supports the provision of new and improved infrastructure and in this way, it has regard to national policy.

203 No detailed evidence is provided in respect of how the provision of new or improved infrastructure will be encouraged.

204 I recommend:

- **Change wording of Policy SEA20 to *"The development of new and improved utility infrastructure that meets the needs of the community will be supported."***

8. The Neighbourhood Plan: Other Matters

205 It is not the role of developers and landowners to “*deliver*” the Policies of the Neighbourhood Plan. The Neighbourhood Plan forms part of the development plan and as such, it helps to control and manage development proposals.

206 The Neighbourhood Plan cannot place requirements on the Local Planning Authority or elected District and County Councillors.

207 I recommend:

- **Delete Para 8.2**
- **Para 8.3, change last sentence “It will also *seek to work with...*”**
- **Para 8.5, change to “*Seaford Town Councillors* involved in...Workshops *will give a high priority...*”**
- **Para 8.6, change second sentence to “...These will be regularly monitored *by the Town Council as a significant change...*”**

208 The recommendations made in this Report will also have a subsequent impact on Contents, including Policy, paragraph, Map and page numbering.

209 I recommend:

- **Update the Contents and where necessary, Policy, paragraph, Map and page numbering, to take into account the recommendations contained in this Report**

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9. Referendum

210 I recommend to Lewes District Council that, subject to the recommended modifications, **the Seaford Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 211 I am required to consider whether the Referendum Area should be extended beyond the Seaford Neighbourhood Area.
- 212 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 213 Consequently, I recommend that the Plan should proceed to a Referendum based on the Seaford Neighbourhood Area approved by Lewes District Council on the 13th January 2016.

Nigel McGurk, December 2019
Erimax – Land, Planning and Communities

