

Duty to Co-Operate - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
1471	Mr J Webster	Wealden District Council	Wealden District Council	<div>Local Authority</div>	<input type="checkbox"/>
1715	Ms T Thom	Parker Dann	Fairfax Ltd	<div>Promoter</div>	<input checked="" type="checkbox"/>

1471

## Site Allocations DPD: Regulation 19 Consultation Response

**Code:** 1d

**ID:** 1471

**Response Ref:** Reg19/1471/1

**Respondent:** Mr J Webster

**Organisation:** Wealden District Council

**On Behalf Of:** Wealden District Council

**Category:** Local Authority

**Appear at Examination?** x

<b>Name</b>	James Webster
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<b>Name or Organisation</b>	Wealden District Council
<b>Which document are you commenting on?</b>	Site Allocations DPD
<b>Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate</b>	Yes
<b>(1) Positively prepared</b>	Sound
<b>(2) Justified</b>	Sound
<b>(3) Effective</b>	Sound
<b>(4) Consistent with national policy</b>	Sound

<b>Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD</b>	<p>With respect to legal compliance and specifically duty to cooperate matters, Wealden District Council and Mid Sussex District Council have signed a Statement of Common Ground (SoCG) in June 2020. The overall aim of the SoCG between the two parties was to demonstrate that ongoing and appropriate engagement and co-ordination is taking place between the parties that includes planning for identified cross-boundary strategic planning issues that exist and/or likely to arise resulting from the Mid Sussex District Council emerging Site Allocations Development Plan Document (DPD) that has been published for 'Preferred Option' consultation between 9th October to 20th November 2019. This was agreed by Wealden District Council's Portfolio Holder for Planning and Development on 8th June 2020.</p> <p>The main issues raised in relation to the two parties included housing provision and the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA). With respect to housing provision, the parties agree that the Site Allocations DPD has sought to allocate sufficient sites to ensure the housing requirement for Mid Sussex is met in full. The parties also agree these housing allocations do not raise any cross-boundary issues and offer an opportunity to make a positive contribution to delivering sustainable residential development.</p> <p>With respect to the Ashdown Forest SAC and SPA, it is noted that the Habitat Regulations Assessment (HRA) accompanying the DPD concludes that at this point in time, the Site Allocations DPD does not present any potential risks to European sites that it is considered are not capable of being mitigated.</p> <p>Mid Sussex District Council has since prepared a Submission Draft Site Allocations Development Plan Document (DPD) (July, 2020), but this has only made limited alterations to the previous 'Preferred Options' consultation document including a small reduction to housing allocations within the Local Plan. It is considered that the Regulation 19 Mid Sussex Site Allocations DPD does not raise any new cross-boundary strategic issues in relation to the matters identified above and therefore the Council is satisfied that the legal requirements of the duty to cooperate have been met with respect to Wealden District Council.</p>
<b>Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.</b>	Not applicable.
<b>If you wish to provide further documentation to support your response, you can upload it here</b>	
<b>If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination</b>	No, I do not wish to participate at the oral examination
<b>Please notify me when-The Plan has been submitted for Examination</b>	yes
<b>Please notify me when-The publication of the recommendations from the Examination</b>	yes
<b>Please notify me when-The Site Allocations DPD is adopted</b>	yes
<b>Date</b>	16/09/2020

**1715**

## Site Allocations DPD: Regulation 19 Consultation Response

**Code:** 1d

**ID:** 1715

**Response Ref:** Reg19/1715/4

**Respondent:** Ms T Thom

**Organisation:** Parker Dann

**On Behalf Of:** Fairfax Ltd

**Category:** Promoter

**Appear at Examination?** ✓

## Alice Henstock

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**From:** Tondra Thom <tondra@parkerdann.co.uk>  
**Sent:** 24 September 2020 10:21  
**To:** ldfconsultation  
**Subject:** Regulation 19 Representation to Site Allocations DPD  
**Attachments:** Regulation 19 Submission Report to MSDC - Clearwaters Farm.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** SiteDPD

Dear Planning Policy,

Please find attached a representation to the Regulation 19 Site Allocations DPD Consultation on behalf of Fairfax Ltd.

On behalf of Fairfax Ltd, the Planning Consultant requests to participate at the oral Examination and to be kept notified of when the Plan has been submitted for Examination and the publication of the recommendations from the Examination.

Kind regards,

**Tondra Thom BSc (Hons) MSc AssocRTPI**  
**Senior Planning Consultant**

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*Sussex Heritage Trust Award winners – Commercial: 2012 and 2015, Small Scale Residential: 2015, 2016 and 2017*



# **Representation on the Mid Sussex Site Allocations DPD Regulation 19 Consultation**

## **Representation Statement**



**On behalf of Fairfax Ltd.**

**September 2020**



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### Appendices

Appendix A – Lewes District Council Cabinet Report 9<sup>th</sup> July 2020



## 1.0 Introduction

1.1 This representation has been prepared on behalf of Fairfax Ltd and relates to a proposal for a Reserve Site Allocation at Clearwaters Farm, Haywards Heath. It will set out that the Site Allocations DPD is not considered sound or legally compliant and it is seeking modifications to the Plan to address these issues.

1.2 The reasons the Site Allocations DPD is not considered sound and legally compliant are summarised as follows:

- The scope of the plan does not have an appropriate timescale, i.e. 15 years from adoption
- Strategic matters that can be dealt with now are being deferred
- Duty to Cooperate has not covered the relevant strategic matters
- The Strategic Environmental Assessment is incomplete in its appraisal of reasonable alternatives and cross boundary impacts

1.3 To overcome these failings the following modifications and updates are sought :

- A revised plan period to 2036
- A Reserve Site Allocation at Clearwaters Farm, Haywards Heath
- Updated Duty to Cooperate Statements
- An update to the Strategic Environmental Assessment

1.4 The remainder of this representation will set out the context (Section 2) for the plan failings and modifications sought; the proposed Reserve Site Allocation (Section 3, The Proposal); and provide the justification for its inclusion within the Site Allocations DPD (Section 4, Justification). It will also provide evidence that the Duty to Cooperate has not been met in relation particularly to Lewes District Council (LDC) (Section 5, Legal Compliance) and that consequently the Site Allocations DPD as it currently stands, fails to meet the tests of soundness in respect of whether it has been positively prepared (Section 6, NPPF Tests of Soundness).

1.5 The other tests of soundness; the issue of consistency with national policy and whether the plan is justified and effective will also be addressed in Section 6.

## 2.0 Context

- 2.1 The inclusion of a Reserve Site Allocation is within the scope of Aim iv) of the Site Allocations DPD, which is *"to set out additional Strategic Policies necessary to deliver sustainable development"*. However, this presents something of a paradox because Aim iv) and the Strategic Policies that flow from it are not consistent with the NPPF, which requires strategic policies to have at least 15 years from adoption.

*"Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure."* NPPF Para 22.

- 2.2 The Strategic Policies in this plan would, at best, have 10 years from adoption. Para 1.2 of the Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA) and 1.1 of the Duty to Cooperate Statement (August 2020) describe the Site Allocations DPD as a 'daughter document' of the District Plan, which implies it is subservient in hierarchy to the District Plan; however Aim iv) and the Strategic Policies that flow from it appear at odds with this statement because the stated aim is for the Strategic Policies to complement (add to or make complete) the District Plan.

- 2.3 There is discord between the SA/SEA and the Site Allocations DPD where the SA/SEA does not refer to Policies SA34-38 as Strategic Policies, rather it refers to them as 'Generic Policies' and so it is not clear the SA/SEA has given their strategic nature due weight. It is not disputed that Policies SA34-38 are strategic in nature, in fact it is intended that SA38 replaces District Plan Policy DP29 in relation to air quality. The Inspector in his Report on the Examination of the Mid Sussex District Plan (12<sup>th</sup> March 2018) at para 43, confirms that the District Plan *"is a strategic plan only,"* further at para 63 *"..because this is a strategic plan with a long time period."* Therefore, we would not argue that DP29 and therefore SA38 are not strategic in nature. SA37 Burgess Hill / Haywards Heath Multifunctional Network has cross-boundary (and therefore strategic) implications for Lewes District and LDC and the SA/SEA states on p85: *"There is nothing in the current Development Plan which provides a specific policy for Burgess Hill/ Haywards Heath Multifunctional Network."* Figure 2 in this representation shows the cross-boundary linkages, this is therefore a new Strategic Policy.

- 2.4 Consequently, this representation is disputing that there is an appropriate timeframe for this DPD. We would suggest that the plan end date should be extended beyond 2031 to

2036 to facilitate consistency with the NPPF and the appropriate timeframe for strategic policies.

- 2.5 The Council has not demonstrated that it is meeting the Duty to Cooperate in respect of having due regard to the changing circumstances in relation to housing need and plan-making in Lewes district. In response to this failing the Reserve Site Allocation modification could be delivered within the scope of this plan. Site Allocations DPD Aim i) is seeking to deliver the residual housing requirement albeit the Plan has made a modest over-supply, which is all located in Burgess Hill. The District Plan housing requirements are expressed as 'minimums' and so they are not viewed as a cap on growth. The proposed Reserve Site Allocation could deliver up to 200 new dwellings on the edge of Haywards Heath in Mid Sussex (and facilitate a further 250 new dwellings in Lewes district); this would provide additional flexibility in the delivery of housing over the plan period and importantly would assist the highly constrained neighbouring authority unlock a sustainable development site within its district.
- 2.6 The land associated with the proposed Reserve Site Allocation spans the administrative boundary of Mid Sussex and Lewes districts and is sustainably located at the edge of Haywards Heath. The site is considered to conform to the District Plan Spatial Strategy and its conditional allocation would assist the Council in demonstrating it has met the Duty to Cooperate by providing a clear framework for ongoing constructive engagement and an unambiguous outcome that is not deferred.
- 2.7 The current lack of clarity over the scope of the plan and the strategic policies plan period, the overreliance on one settlement in respect of any oversupply and flexibility in the plan and the failings to fulfil *a//* the requirements under the Duty to Cooperate, should be set within the context of the pressing housing need and poor recent delivery rates within the two districts.

**Table 1.** Housing Targets, Need and delivery Rates in Mid Sussex and Lewes District<sup>1</sup>

	Current Local Plan	Objectively Assessed Need (OAN)	Average Delivery (last 3 years)	Current Standard Methodology	Proposed New Standard Methodology
LDC	345	510	290	483	800
MSDC	964	876	760	1,114	1,305

<sup>1</sup> Figures from the Lichfields published data set, except for the OAN which is from the Local Plan Examinations. <https://lichfields.uk/grow-renew-protect-planning-for-the-future/how-many-homes-the-new-standard-method/#section16>

2.8 As can be seen from the above table the housing need is rising sharply in this area and the delivery of housing in both authorities is falling short of the current plan targets, which themselves lag somewhat behind the need. It is likely that the impacts of Covid-19 will add to the continuing under-delivery and therefore increased flexibility of housing site options may be one way to address this impact.

### 3.0 The Proposal

- 3.1 A Reserve Site Allocation that provides a practical mechanism to enable cross-boundary cooperation regarding the delivery of sustainable development (Aim iv). This is a cross-boundary residential development site with potential to make a significant contribution towards unmet housing need in the local area. The policy might be worded as follows:

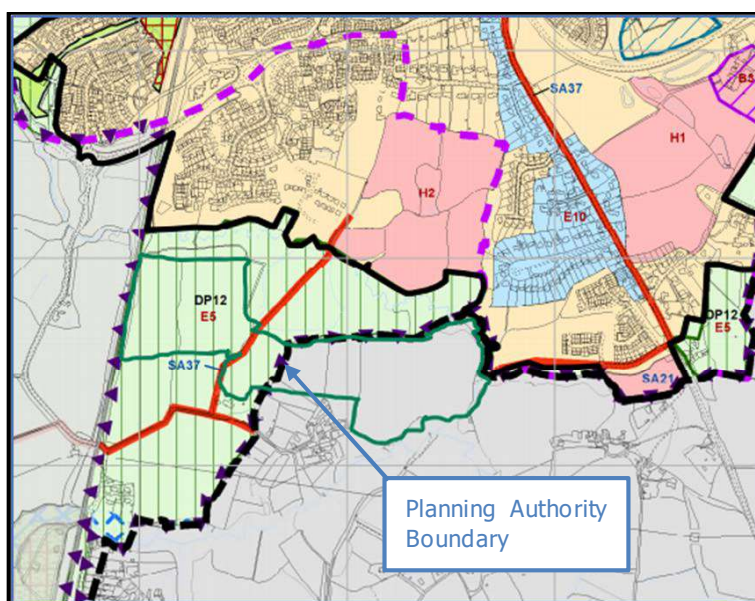
#### **SA\*\* Clearwaters Farm, Haywards Heath, Reserve Site Allocation**

In recognition of the Council's role to assist a neighbouring planning authority deliver sustainable development, the Council identifies land at Clearwaters Farm as a Reserve Site that will be released for the development of housing and public open space if the following parameters are met:

- Land at Clearwaters Farm is allocated for housing in a DPD produced by Lewes District Council
- An agreed mechanism to deliver cross-boundary infrastructure arising from the allocation is identified within a DPD produced by Lewes District Council.

Alternatively, the site will be released for the development of housing and public open space upon resolution to grant planning permission by Lewes District Council, subject to appropriate provisions for cross-boundary infrastructure contributions.

#### **Box 1** Proposed Strategic Policy



**Figure 1** Clearwaters Farm site (outlined in green) on an Extract from Draft Policies Map

### Sustainability of the site

3.2 The site is located outside of any landscape designations, such as AONB or National Park, and is well contained within the landscape; it is entirely within the Environment Agency's Flood Mapping Zone 1; and could facilitate and promote modes of transport other than the car for travel to Haywards Heath and for linkages to Wivelsfield Train Station and Burgess Hill beyond. The site has the potential to contribute towards the delivery of SA37 *Burgess Hill/Haywards Heath Multifunctional Network* insofar as connecting sections, identified both within Mid Sussex and within Lewes District (see Figure 2), could be directly delivered by this cross-boundary site using the S106 legal mechanism.

3.3 The site is in an area currently identified as Green Corridor in the Haywards Heath Neighbourhood Plan (HHNP) (2016). Development of this site would not conflict with the aims of the Green Corridor definition:

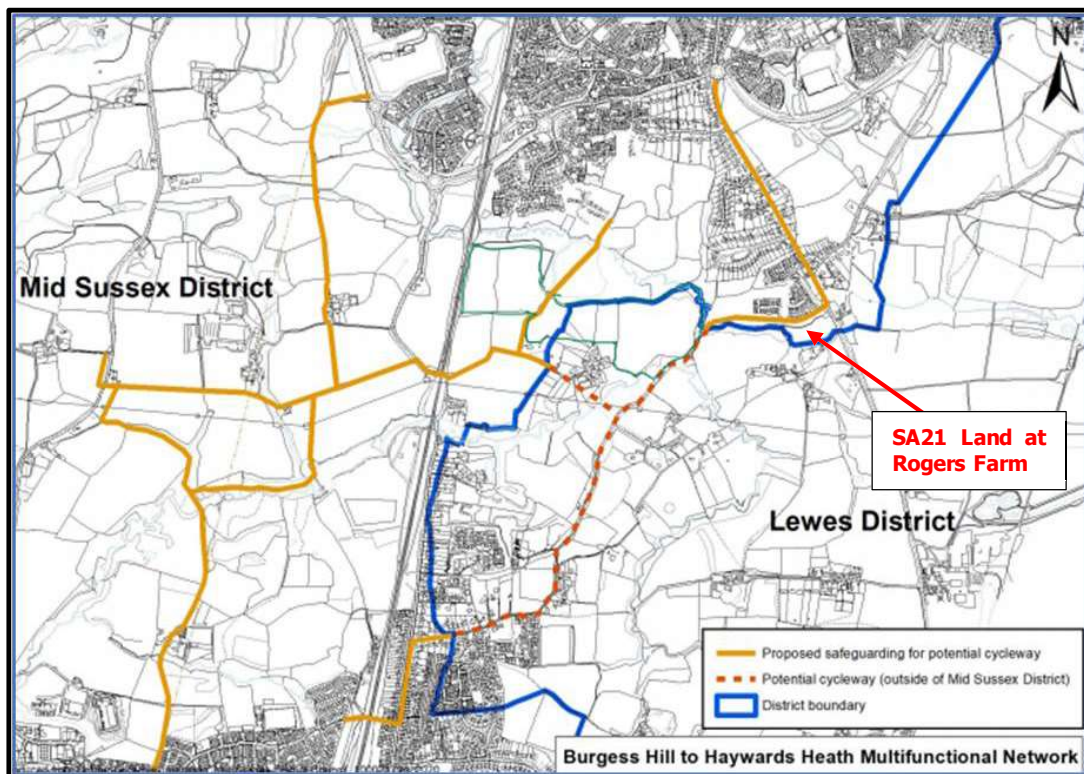
*"Green spaces that provide avenues for wildlife movement, often along streams, rivers, hedgerows or other natural features. They connect green spaces together, and often provide pleasant walks for the public away from main road."* P65 HHNP

3.4 The site has ample facility to retain the significant majority of hedgerow and wildlife corridors, create enhanced publicly accessible green spaces and pleasant walks connecting existing Public Rights of Way. There is precedent within the Site Allocations DPD for the proposed policies to supersede green space policies within a neighbourhood plan; for example: SA15 is a housing site allocation on a Local Green Space (LGS) designated in the Burgess Hill Neighbourhood Plan (BHNP). Strategic Policy SA36 *Wivelsfield Railway Station* safeguards land for expansion and upgrade that is currently designated as LGS in the BHNP. Para 3.19 of the Site Allocations DPD states:

*"Improvements to the station would not be deliverable without using the land in question, which adjoins the existing railway station; it is therefore proposed that the areas covered by Policy SA36 would supersede the LGS designation."*

3.5 A Reserve Site Allocation would supersede non-strategic policies in an earlier plan, in accordance with NPPF para 30, however the allocation could still deliver the aims of the Green Corridor Policy.

- 3.6 The site could deliver between 400-450 new dwellings in the local area (across the two authorities), providing additional flexibility in the land supply in Mid Sussex and making a significant contribution towards housing land supply and delivery within the highly constrained Lewes District Local Plan area. The Lewes Local Plan area suffers serious constraints including coastal erosion and flood risk and severe traffic constraints within its coastal belt, which is tightly bound by the South Downs National Park (SDNP) to the north. Therefore, the relatively unconstrained area of the district to the north of the SDNP, where this site lies, will be a key area of search for housing growth in the new Lewes Local Plan.
- 3.7 To further set the site into its sustainability context, Figure 2 below shows the location of the site alongside the only proposed housing site allocation in Haywards Heath within the Plan, Policy SA21 Land at Rogers Farm and the Multifunctional Network Strategic Policy SA37. From the context figure below the ability of the site to help deliver the multifunctional network (SA37) measures and contribute to sustainable development is quite apparent. This is further amplified by the ownership arrangements and control over the woodland to the north of the site.



**Figure 2** Clearwaters Farm Site (outline in green) in context with SA37 and SA21

## 4.0 Justification

### Strategic Environmental Assessment

- 4.1 The site (SHELAA ref 841) was assessed as suitable, available, and achievable at Stage 1 in the SHELAA, being summarised as relatively unconstrained with reasonable prospect that the site could be developed within the Plan period. At Stage 2 it was sifted out. The specific reason is not given, however upon review of the methodology it is likely that it falls into the following category of sites: *"However, there are a small minority of sites within 150m of the built up area which have been assessed as clearly detached from the settlement due to their access or constraints (such as ancient woodland) separating the site from the settlement."* Para 4.2 (p6) Site Selection Paper 1.
- 4.2 The site has been incorrectly sifted. The site is within 150m of the settlement built up area and is separated by woodland however not all the woodland is ancient. In fact, a sizeable area of woodland to the northeast of the site is not ancient and currently has a dedicated footpath linking the site to the built up area. Access, therefore, is not detached from the settlement: access by sustainable modes of transport, e.g. by foot, cycle and electric scooter is directly connected to the settlement. Furthermore, the woodland is owned by Fairfax Ltd and so connectivity linkages and 'modal shift' access to Haywards Heath from this site, including through the delivery of Strategic Policy SA37 Multifunctional Network, can be readily delivered. A suitable vehicular access is achievable, and this facilitates the allocation for development of that part of the site that lies within Lewes district.
- 4.3 Due to incorrect sifting, the merits of the site have not been properly considered through the Strategic Environmental Assessment, which requires the assessment of reasonable alternatives. The site's inclusion within the plan, including the substantial opportunity as part of an allocation to deliver the modal shift aspirations of Strategic Policy SA37 is a reasonable alternative under Aim iv) of the Site Allocations DPD and has not been assessed.
- 4.4 This is a legal compliance failing that is challengeable if left unchecked. The SEA Regulations (The Environmental Assessment of Plans and Programmes Regulations 2004 (as Amended)) requires the preparation of an environmental report that describes and evaluates the likely significant effects on the environment of implementing the plan and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.



- 4.5 There is a further failing in the SA/SEA in that it states on p85 in the assessment of SA37 that there are no cross-border impacts likely to arise. This is simply not true; the eastern route identified can only be delivered with the linkages in Lewes District and with the cooperation of LDC and East Sussex County Council (ESCC). Inevitably with the delivery of the eastern part of the SA37 network, linking Haywards Heath and Burgess Hill, there will be likely significant effects of a beneficial nature within Lewes District.

#### Lewes District Housing Need

- 4.6 Lewes District Council (LDC) recently published a new local housing need figure of 808 dwellings per annum and approved a revised Local Development Scheme (20<sup>th</sup> July 2020) to produce a new Local Plan. This figure is a rise in published housing need of approximately 300 dwellings per annum (dpa) over and above the previous Objectively Assessed Housing Need (OAHN). The adopted Lewes Local Plan even now falls short of the previous OAHN by 3,300 dwellings. The Lewes Local Plan, adopted in 2016, provides for 276 dpa to be delivered within the area of the district outside the SDNP; the new Lewes Local Plan is currently looking at ~800 dpa, which is an increase of over 500 dpa.

- 4.7 To overcome the differences in timelines between the two authorities' plan-making processes, it is considered justified to make a Reserve Site Allocation within the Site Allocations DPD in line with Aim 4:

iv) to set out additional Strategic Policies necessary to deliver sustainable development

- 4.8 The Site Allocation Policies are seeking to deliver the residual quantum of growth necessary to meet the housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan. Para 2.22 reiterates that future unmet need will be considered as part of the review of the District Plan. This provides no assurances that relevant policies would be updated to assist LDC; the primary focus of the District Plan is westward looking in respect of accommodating unmet need from the Northern West Sussex Housing Market Area.

- 4.9 There is, however, an opportunity to safeguard LDC's ability to allocate and deliver a sustainable site and the justification here is twofold:

1. The District Plan housing requirement is expressed as 'minimums' and the Site Allocations DPD is making an over-supply. The over-supply is currently all

proposed in Burgess Hill, this Reserve Site Allocation effectively rebalances the over-supply in favour of another Category 1 Settlement: and

2. The Site Allocations DPD introduces new Strategic Policies under the aim of delivering sustainable development as a whole, which therefore allows a site with strategic consequences and cross-boundary sustainability impacts to be considered.

- 4.10 Furthermore, and importantly, this proposal is not requesting that MSDC take any additional unmet housing need from LDC (although it will no doubt be a conversation LDC looks to have through the preparation of its revised Local Plan) and therefore the issue of unmet housing need is not being revisited in terms of the scope of the plan. Instead the proposal merely adds flexibility to the MSDC housing land supply, which may have an over-reliance on Burgess Hill (the District Plan (p36) shows no additional requirement for Burgess Hill and yet the Site Allocations DPD is allocating a further 612 dwellings to Burgess Hill and only 25 dwellings to Haywards Heath, which has a residual requirement of 127 dwellings), and facilitate LDC to get closer to meeting their own current unmet housing need.
- 4.11 On this basis, we are seeking a Reserve Site Allocation as a Strategic Policy and demonstration of a proactive regard to the activities of the neighbouring local planning authority, as well as a clear sign of ongoing constructive cooperation. This type of policy would fit well with the Strategic Policies of the Site Allocations DPD in that they appear focussed on safeguarding/reserving land for future opportunity that is strategic in nature.
- 4.12 An over reliance on a single settlement and large-scale complex strategic development sites may not sufficiently spread the risk in relation to housing delivery over the plan period (see NPPF paragraph 68) especially when considering the impacts of Covid-19, which will likely permeate commercial activity, including house-building for the foreseeable future.

## 5.0 Legal Compliance and the Duty to Cooperate

- 5.1 The Duty to Cooperate Statement (August 2020) at para 3.1 Housing Need, confirms that that in the context of the housing requirement for Mid Sussex the "*Site Allocations Document does not have the remit to revisit the issue of housing need and therefore it is not a strategic matter for this document*". To be really clear this representation is not seeking to re-visit the housing requirement or requesting that MSDC consider meeting further unmet need from outside the district. This representation does, however, consider that it is within the scope of the Site Allocations DPD and the adopted District Plan housing requirement to make a Reserve Site Allocation that would enable cross-boundary cooperation and sustainable development.
- 5.2 The Statement of Common Ground (SoCG) between MSDC and LDC, signed in May 2020, makes a commitment within Section 1 Housing Provision to "*continue working together on any cross boundary issues arising from the site allocations*". The proposed Reserve Site Allocation is a cross-boundary issue that has been drawn to the attention of both authorities; that part of the site lying in Lewes District has been submitted to the Lewes Land Availability Assessment (LAA) and LDC has been made aware of the cross boundary nature of the site and this representation to the MSDC Site Allocations DPD Regulation 19 Consultation. LDC will not be able to allocate that part of the site within its district without the cooperation of MSDC.
- 5.3 The current set of published SoCG does not appear to include a signed SoCG between MSDC, LDC and ESCC. This missing SoCG would cover traffic impacts manifesting within Lewes District arising from the site allocations close to the administrative boundary and also the delivery of Strategic Policy SA37 Multi-functional Network, insofar as there are interlinking sections with Lewes District (see Figure 2 above). The Duty to Cooperate Statement does not appear to include the delivery of Policy SA37 in its 'summary of strategic topics' or 'matters to agree' with either LDC or ESCC. The proposed Reserve Site Allocation can assist with the delivery of Strategic Policy SA37 in both districts and contribute to sustainable development in line with Aim iv) of the Site Allocations DPD.
- 5.4 In our view the addition of the Reserve Site Allocation Policy would demonstrate compliance with the requirements of Section 33A, the Duty to Cooperate, of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. Specifically, it has not been demonstrated that the Council has had regard to the activities of LDC that support plan-making and relate to a strategic matter. LDC published an updated local

housing need figure, identified that it had undertaken a review of the Local Plan Part 1, the Joint Core Strategy, and consequently identified that it required a full update for the following reasons:

- The adoption of the South Downs Local Plan in July 2019
- The publication of the revised NPPF in February 2019
- The introduction of Government's standard method for calculating local housing need results in a significant increase in the district's housing need from May 2021
- The adoption of a new Council Corporate Plan

5.5 The full Cabinet Report is appended to this submission; of particular note within paragraph 2.6 the Cabinet Report states:

*"Most importantly, the NPPF introduces a new standard method of calculating housing need and instructs local planning authorities to update their strategic policies at least once every five years if their local housing need figure has changed significantly. Applying the Government's standard methodology has resulted in the district's housing needs increasing to 808 dwellings per annum from May 2021. This figure is much higher than the housing requirement set out in the adopted LPP1 (345 dwellings per annum)."* Cabinet Paper 9<sup>th</sup> July 2020 (emphasis added)

5.6 The activities, under the Duty to Cooperate, that MSDC must have regard to include LDC's Local Plan Review and the outcomes of it, the sharp rise in LDC's housing need under the Government's Standard Methodology and LDC's programme to address these issues. There is no guarantee that MSDC will find a need to update the District Plan or that any specific update to policies would include additional site allocations. It is important that the requirements of the Duty are not deferred.

5.7 This proactive step to assist LDC unlock development potential within its district would demonstrate adherence to all criteria listed within the Duty to Cooperate legislation. The criteria of Section 33A, brought into force by the Localism Act 2011, that are less often cited are highlighted in the box below; we would contend that compliance with the Duty is more than demonstrating constructive ongoing engagement.

- (2) In particular, the duty imposed on a person by subsection (1) requires the person—
- (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
  - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are—
- (a) the preparation of development plan documents,
  - (b) the preparation of other local development documents,
  - (c) the preparation of marine plans under the Marine and Coastal Access Act 2009
  - (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
  - (e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.

**Box 2** Highlighted Extract from Section 33A Duty to Cooperate

- 5.8 The legislation is clear that there is more to be done than simply demonstrate constructive engagement, which may not alone produce practical outcomes. Regard must be had to activities that prepare the way for and support plan making. Making the proposed modification to the plan would clearly demonstrate regard has been had to the activities underway by and required of LDC in support of the preparation of their new Local Plan and set a clear framework for ongoing constructive engagement. This action would not obligate any particular outcome by LDC in respect of their own plan-making, but critically it would also not stymie their options for delivering sustainable development in a timely manner.
- 5.9 The proposal put forward by this submission would directly unlock a strategic scale prospective allocation site for LDC that could be delivered within the next 5 years and certainly within the next LDC plan period 2018-2038.
- 5.10 As this information has been brought to the attention of MSDC in time for a focussed amendment to be made to the Site Allocations DPD without critically affecting its timeline, we request an amendment is made and consulted upon prior to the submission of the Plan. The proposed reserve Site Allocation is considered to be entirely within the scope of the Duty to Cooperate implications of Aim iv) to set out additional Strategic Policies, whilst not

jeopardising the delivery of Aim i) to allocate sufficient housing sites to address the residual housing requirement of the District Plan. The Reserve Site Allocation would provide additional flexibility in the plan, through a modest over-supply in Haywards Heath considerably smaller than the over-supply proposed in Burgess Hill.

- 5.11 The inclusion of the Reserve Site Allocation would address the current failing in respect of the Duty to Cooperate.

## 6.0 NPPF Tests of Soundness

### Positively Prepared

- 6.1 The Site Allocations DPD is seeking to add to and amend the District Plan Strategy with new Strategic Policies, rather than to purely support and deliver the strategic objectives and spatial strategy through a suite of non-strategic (site allocations) policies. In this respect it is incorrectly termed a 'daughter document' within the Duty to Cooperate Statement. Paragraph 3.2 (p92) of the Site Allocations DPD sets out there are five additional Strategic Policies and refers to the purpose of them; it says: *"In addition to the Sites DPD policies relating to site allocations (Policies SA1 to SA33), the District Plan policies are complemented by five additional strategic policies that are set out in the following section. These policies help to ensure that the Development Plan supports the delivery of sustainable development when considered as a whole."* (emphasis added)
- 6.2 The scope of the Site Allocations DPD consequently appears to enable input to/expansion of the District Plan Strategy. Clarity on the scope of the plan is paramount for assessing the soundness, this was established in the Court of Appeal Judgement in the Oxted Tandridge Case<sup>2</sup> as follows:
- "An inspector conducting an examination must establish the true scope of the development plan document he is dealing with and what it is setting out to do. Only then will he be able properly to judge "whether or not, within that scope and within what it has set out to do", it is sound".* Para 38
- "As the judge recognized, the scope of the local plan part 2 is plain from the text in its "Introduction", and from the policies it contains. It "supports" the core strategy. It does not substitute for the policies of the core strategy an amended or new strategy."* Para 39
- 6.3 It would certainly appear that the new Strategic Policies are intended to both add to and amend the District Plan Strategy. The issue of Strategic Policy SA38 replacing parts of District Plan Policy DP29 stands out as a particular case in point.
- 6.4 As the scope of the additional Strategic Policies is to support the delivery of sustainable development "as a whole" then this is sufficiently broad so as to enable the inclusion of a

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<sup>2</sup> Court of Appeal Judgment (CAJ): Oxted Residential Ltd v Tandridge District Council; 29 April (Ref 2016 EWCA Civ 414)

further strategic allocation of land in that pursuit. The NPPF at para 21 states that plans should make explicit which policies are strategic and that these should be limited to those necessary to address the strategic priorities of the area and any relevant cross-boundary issues.

- 6.5 The Site Allocations DPD does set out which policies within the plan are strategic, Policies SA34-SA38. An additional policy within this set, safeguarding a neighbouring authority's ability to meet its housing need, is considered a relevant strategic priority for the Duty to Cooperate area that spans the administrative boundary. The Duty to Cooperate Area is concerned with the implications and delivery of Strategic Policy SA37 Multifunctional Network and the transport impacts in relation to SA21 Land at Rogers Farm, Haywards Heath and SA12 and SA13 near Folders Lane on the edge of Burgess Hill, a combined total of 365 new dwellings)
- 6.6 Sustainable development that would have an impact on two planning areas is defined as a strategic matter and considered to be within the scope of the Plan, which has the stated aim of providing strategic policies to support the delivery of sustainable development as a whole.
- 6.7 Until the Duty to Cooperate with LDC and ESCC has been complied with, and evidenced within an updated SoCG, and the Reserve Site is allocated within the Site Allocations DPD with an appropriate timescale, the plan cannot be said to have been positively prepared within the scope of what it has set out to do.
- 6.8 The Council cannot pick and choose, either it is not within the scope of the plan to update and amend strategic policies or it is, and the plan period must run for 15 years as per paragraph 22 of the NPPF.

#### Justified

- 6.9 Consideration has not been given to practical measures that can support a neighbouring authorities' housing delivery, therefore it is not considered at this time that the plan is justified without the proper consideration of the reasonable alternative of including a Reserve Site Allocation linked to the practical steps to be taken by its neighbouring authority.



### Effective

- 6.10 The plan could be made more effective and based on more targeted joint working if a policy is subsequently included (prior to submission) for a Reserve Site Allocation – this would have the effect of unlocking a strategic-scale site for prospective allocation within the forthcoming Lewes Local Plan 2018-2038. It is not considered appropriate to defer this cross-boundary matter; the Reserve Site Allocation is deliverable within the next five years and within the intended scope of the plan. The Statement of Common Ground between MSDC, LDC and ESCC has not yet been published to demonstrate that effective joint working has been achieved on delivering Strategic Policy SA37, which this site can help to deliver.

### Consistent with National Policy

- 6.11 The strategic policies (SA34-38) are not in accordance with NPPF para 22, which requires them to look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities. Once adopted the strategic policies will have at best 10 years until the end of the plan period. It would seem that the only way to overcome this inconsistency issue would be to lengthen the plan timeline and set an end date of 2036.
- 6.12 Extending the Site Allocations DPD plan period would not cause issues for housing and employment supply as the District Plan that sets the housing and employment requirements and strategic scale site allocations will be reviewed every five years. The Review of the District Plan would naturally roll forward the plan end-date to ensure there is always at least 15 years from adoption.
- 6.13 There would, however, be a requirement to update two key technical studies:
- Air Quality Modelling Report to change the Future Baseline date from 2031 to 2036 and assess an additional 450 dwellings (both the MSDC and LDC parts of the site) in combination
  - Transport Assessment to change the Future Baseline date to from 2031 to 2036 and assess an additional 450 dwellings (both the MSDC and LDC parts of the site) in combination
- 6.14 It would also be necessary to update the SA/SEA and consider whether any amendments are necessary to the Habitat Regulations Assessment. The SA/SEA update would need to

test the inclusion of the reasonable alternative proposed in this representation and assess the impact of extending the plan period in respect of the Strategic Policies; in respect of the latter point this should have some benefits as the NPPF requires the longer-time period for the delivery of Strategic Policies. The SA/SEA may need updating in any event to correctly identify cross-boundary impacts of SA37, to use the same terminology as the Site Allocations DPD in respect of the Strategic Policies (rather than Generic Policies) and to ensure that the assessment within the SA/SEA has considered policies SA34-38 within their appropriate, strategic, context.

- 6.15 The addition of the Reserve Site Allocation will enable the delivery of sustainable development in accordance with the policies in this Framework.

## 7.0 Conclusion

7.1 This representation has highlighted the importance of setting a clear scope for the plan and the assessment of legal compliance and soundness herein has been undertaken with reference to the limitations (or otherwise) of that scope. Aim iv) of the plan has provided a broad scope for the introduction of strategic policies. It is within this scope that our assessment of soundness and legal compliance has been undertaken and with respect to the opportunity presented by the proposed modification to the plan-making authority.

7.2 It is firmly considered that deferring the consideration of and action on this proposal would result in the plan failing the Duty to Cooperate and Tests of Soundness and risk legal compliance failure with regard to the requirements of the SEA Regulations (The Environmental Assessment of Plans and Programmes Regulations 2004 (As Amended)). In summary those failures are:

- An inappropriate plan period for strategic policies
- A failure of the Duty to Cooperate with LDC and ESCC
- Failings within the SEA to consider reasonable alternatives and identify cross boundary impacts

7.3 These failings can be overcome through:

- A revised plan period to 2036
- A Reserve Site Allocation at Clearwaters Farm, Haywards Heath
- Updated Duty to Cooperate Statements (LDC and ESCC)
- An update to the SEA

7.4 On behalf of Fairfax Ltd, the Planning Consultant requests to participate at the oral Examination and to be kept notified of when the Plan has been submitted for Examination and the publication of the recommendations from the Examination.

**By Tondra Thom BSc, MSc, AssocRTPI**

**For and on Behalf of Parker Dann Ltd on Behalf of Fairfax Ltd.**

## Appendix A

Lewes District Council Cabinet Report – Revised Local Development Scheme

<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>9 July 2020</b>
<b>Title:</b>	<b>Approval of the Revised Local Development Scheme</b>
<b>Report of:</b>	<b>Ian Fitzpatrick, Director of Regeneration &amp; Planning</b>
<b>Cabinet member:</b>	<b>Councillor Emily O'Brien, Cabinet Member for Planning</b>
<b>Ward(s):</b>	<b>All wards in Lewes District that lie wholly or partially outside of the South Downs National Park</b>
<b>Purpose of report:</b>	<b>To seek Cabinet endorsement of the Revised Local Development Scheme for approval by Full Council on 20 July 2020</b>
<b>Decision type:</b>	<b>Budget and policy framework</b>
<b>Officer recommendation(s):</b>	<p><b>(1) That Cabinet endorses the Revised Local Development Scheme as set out in Appendix 1, and recommends its approval by Full Council as the Revised Local Development Scheme for that part of Lewes District outside of the South Downs National Park with effect from 20 July 2020;</b></p> <p><b>(2) That Cabinet recommends to Full Council that the approved Revised Local Development Scheme is published by Lewes District Council;</b></p> <p><b>(3) That Cabinet endorses, and recommends to Full Council, the revocation of the previous Local Development Scheme (approved by Lewes District Council on 26 November 2018).</b></p>
<b>Reasons for recommendations:</b>	<b>To update the current Local Development Scheme to ensure that it reflects the most up-to-date position regarding the preparation of the Lewes District Local Plan in accordance with the requirements of Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).</b>
<b>Contact Officer(s):</b>	<b>Name: Robert King</b> <b>Post title: Senior Planning Policy Officer</b> <b>E-mail: <a href="mailto:robert.king@lewes-eastbourne.gov.uk">robert.king@lewes-eastbourne.gov.uk</a></b> <b>Telephone number: 01273 085455 or 01323 415455</b>

## **1 Introduction**

- 1.1** A Local Development Scheme (LDS) is a requirement for every local planning authority under the Planning and Compulsory Purchase Act 2004 (as amended)

by the Localism Act 2011). It sets out a 3 year programme for preparing development plan documents (DPDs) by a local planning authority. An LDS must be made available to the public and kept up-to-date.

- 1.2 The Council's current LDS was approved in 2018. It contains programmes for preparing the Local Plan Part 1: Joint Core Strategy (LPP1) Review and the Local Plan Part 2: Site Allocations and Development Management Policies DPD (LPP2), setting out the key stages at which the community and relevant stakeholders will be consulted.
- 1.3 There have been two significant changes since the Council approved its current LDS. Firstly, the LPP2 was found 'sound' at examination and adopted by the Council in February 2020. Secondly, it has been necessary to amend the timescale for the LPP1 Review due to recent changes to the planning system at a national level. A revised and updated LDS is therefore required to cover the period from 2020 to 2023.

## **2 Amendments to the LDS**

- 2.1 The LPP1 was adopted in May 2016. It sets out the Council's strategy for the scale and distribution of housing growth and strategic policies to guide development and change over the period to 2030. It is a Government requirement that local plans are reviewed to assess whether their policies need updating at least once every five years. Reviews should be completed no later than five years from the adoption date of the plan.
- 2.2 Accordingly, the approved LDS includes a programme for reviewing and updating the LPP1. At the time, officers considered that the Council would only need to carry out a *partial update* of the LPP1 policies, primarily to take account of the fact that the South Downs Local Plan would eventually replace all the policies for that part of the district within the National Park. The approved LDS anticipated the adoption of a replacement LPP1 by winter 2023
- 2.3 Officers have subsequently reviewed the relevant evidence to identify and consider whether:
  - The vision, strategic objectives and spatial strategy of the LPP1 are being effectively delivered
  - The strategic policies meet current national planning policy requirements
  - There have been any changes to local circumstances with significant implications for the development strategy set out in the LPP1
- 2.4 This evidence included the new National Planning Policy Framework (NPPF) and Planning Practice Guidance, the outputs from the Government's standard methodology in relation to housing need, the Council's Authority Monitoring Report, the Housing Delivery Test results, the current 5 year housing land supply, the Infrastructure Delivery Plan, and changes to the Council's corporate priorities.
- 2.5 The Council currently has a 5 year supply of housing land and its adopted planning policies are on track to deliver the development strategy and other

strategic objectives over the remaining plan period. However, changing circumstances since the adoption of the LPP1 demonstrate the need to undertake a *full update* of the plan. These circumstances are:

- The adoption of the South Downs Local Plan in July 2019
- The publication of the revised NPPF in February 2019
- The introduction of Government's standard method for calculating local housing need results in a significant increase in the district's housing need from May 2021
- The adoption of a new Council Corporate Plan

- 2.6 Most importantly, the NPPF introduces a new standard method of calculating housing need, and instructs local planning authorities to update their strategic policies at least once every five years if their local housing need figure has changed significantly. Applying the Government's standard methodology has resulted in the district's housing needs increasing to 808 dwellings per annum from May 2021. This figure is much higher than the housing requirement set out in the adopted LPP1 (345 dwellings per annum). If there are any changes to the way the Government seeks to justify the Council housing requirement then updates including any revised housing numbers will be circulated.
- 2.7 It should be recognised that the district's identified housing need is only a starting point for determining the appropriate housing delivery requirement over the updated LPP1 period. The NPPF states that strategic policy-making authorities should establish a housing delivery requirement for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met in neighbouring areas) can be met over the plan period.
- 2.8 The housing delivery requirement will involve consideration of the capacity of the plan area for development growth, embracing both environmental capacities and the capacity of existing and planned infrastructure to serve such growth. It must also take into consideration the ability of the district to develop its economic base and provide the job opportunities that will support the sustainable growth and overall prosperity of the area.
- 2.9 It will require the Council to undertake a full re-appraisal of its strategy for growth, including a further exploration of the longer term options for meeting housing need. This work will need to be supported by relevant and up-to-date evidence, some of which will have to be specially commissioned. In view of the potential implications for local communities and stakeholders, there will also be a need for additional consultation and engagement in order to secure the effective representation of a range of interests.
- 2.10 Consequently, the timetable for the LPP1 Review set out in the existing LDS is no longer considered realistic or deliverable. The proposed programme has therefore been amended to allow sufficient time to:
- prepare an up-to-date and robust evidence base
  - undertake additional public consultation on the Council's preferred options for delivering new housing growth over the new plan period

- publish and consult on main modifications, if recommended by the Examination Inspector

2.11 The revised LDS is attached as Appendix 1 to this report. The initial community and stakeholder engagement on the LPP1 Review 'Issues and Options' is now proposed during spring 2021, rather than autumn 2020 as indicated in the approved LDS. The subsequent formal consultation stages have been amended accordingly, including the addition of a further 'Regulation 18' stage on a 'Preferred Options' document. Adoption of the new LPP1 is now anticipated by winter 2023. This revised timetable will meet the Government's deadline for the production of up-to-date plans by December 2023.

### **3 Next Steps**

3.1 Subject to approval by Full Council, the revised LDS will be published on the Councils' website. The LDS will be monitored by officers and progress towards the production of the new LPP1 will be published as part of the annual Authority Monitoring Report.

### **4 Consultation**

4.1 The proposed timetable for reviewing and updating the Local Plan Part 1 was reported to the Council's Local Plan Review Steering Group at its meeting on 12 May 2020. There is no requirement for public consultation prior to approving a revised LDS, which will be published on the Council's web site as soon as it comes into effect.

### **5 Corporate plan and council policies**

5.1 The Council's Corporate Plan aims to have the greenest Local Plan, put sustainability at the heart of local planning processes, identify housing needs, deliver new homes and stabilise local housing markets.

### **6 Business case and alternative option(s) considered**

6.1 No alternative options were considered. The publication of an up-to-date LDS is a requirement for every local planning authority under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

### **7 Financial appraisal**

7.1 There are no additional financial implications as a result of this recommendation. The cost of producing the revised LDS has been met from existing budget revenues and the preparation of the LPP1 Review will continue to be undertaken by the Planning Policy Team, with additional specialist input from other officers or consultants where required, which will be funded within existing resources.

### **8 Legal implications**

8.1 The local planning authority is required to prepare and maintain a scheme to be



known as their local development scheme. To avoid challenge, upon the revision of the scheme, it is important for the Council to comply with S.15(8) Planning and Compulsory Purchase Act 2004 which provides that a local planning authority must revise their local development scheme at such time as they consider appropriate.

Subsection (9) sets out that the same statutory provisions apply to the revision of a scheme as they apply to the preparation of the scheme. Upon the revision of a scheme, the local planning authority must make the following available to the public-

- (a) the up-to-date text of the scheme,
- (b) a copy of any amendments made to the scheme, and
- (c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable

Legal Implications Provided 08/06/20 009232-LDC-JCS

## **9 Risk management implications**

- 9.1 If the recommendation is not implemented, the Council's approved LDS will be inaccurate and out of date. As all DPDs must be prepared in accordance with an approved LDS, the new LPP1 may be found not legally compliant by the Inspector conducting the examination in public. A DPD which is not legally compliant cannot be formally adopted by the Council.

## **10 Equality analysis**

- 10.1 It is assessed that an Equality Analysis is not required for this report. The revised LDS is the Council's programme for preparing DPDs, it has no equality impact on staff or on members of the public, nor will it affect the way services are organised, planned or delivered. An EaFA will be undertaken prior to the publication of any future DPD prepared by the Council.

## **11 Environmental sustainability implications**

- 11.1 There are no identified environmental sustainability implications to publishing the revised LDS. The LPP1 Review itself is subject to a Sustainability Appraisal incorporating the requirements of the Strategic Environmental Assessment Directive.

## **12 Appendices**

- Appendix 1 - Draft Local Development Scheme 2020

The background papers used in compiling this report were as follows:

- NPPF <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Planning Practice Guidance <https://www.gov.uk/government/collections/planning-practice-guidance>
- Authority Monitoring Report <https://www.lewes-eastbourne.gov.uk/planning-policy/authority-monitoring-report-amr/>
- Housing Delivery Test <https://www.lewes-eastbourne.gov.uk/planning-policy/housing-delivery-test/>
- Infrastructure Delivery Plan <https://www.lewes-eastbourne.gov.uk/planning-policy/community-infrastructure-levy-cil/infrastructure-delivery-plan-and-regulation-123-list/>



Lewes District Council

# **Lewes District Council Revised Local Development Scheme (LDS)**

**July 2020**

# Lewes District Council Local Development Scheme July 2020

## Introduction

This Local Development Scheme (LDS) sets out the Council's programme for reviewing and updating its Local Plan, explaining its scope, area covered and timetable. This document replaces the LDS approved in 2018 and covers the period to 2023. It only applies to the area of the district for which the Council is local planning authority (i.e. Lewes District *excluding* the area within South Downs National Park).

A plain English guide to the terms and abbreviations used in the document is set out in Appendix 1 (Glossary).

## Purpose

The primary purpose of the LDS is to provide a publicly accessible, up-to-date reference document, so that the Council's current policy framework, its programme for plan-making and the opportunities for contributing to plans are clear to all interested parties. It has been prepared in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004, as amended. The Council is committed to involving local communities and other stakeholders in plan preparation and its approach is set out in the Statement of Community Involvement, which is available on the Council's web site at: <https://www.lewes-eastbourne.gov.uk/planning-policy/statement-of-community-involvement/>

## Scope

This LDS focuses on the review and update of the Lewes District Local Plan Part 1: Joint Core Strategy, which forms part of the statutory '*development plan*' for the area. Legislation states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Lewes District Local Plan currently comprises two development plan documents (DPDs), as follows:

### Lewes District Local Plan Part 1: Joint Core Strategy

This document sets out the overall spatial vision, strategic objectives and development strategy for the whole district. It was adopted by Lewes District Council and the South Downs National Park Authority in May 2016. The planning policies for that part of the District within the National Park have now been superseded and replaced by South Downs Local Plan, adopted in July 2019

## Lewes District Local Plan Part 2: Site Allocations and Development Management Policies

This document supports and seeks to deliver the strategic objectives and spatial strategy of the Local Plan Part 1. It allocates additional sites for particular land-uses and sets out detailed (non-strategic) development management policies to guide development and change. It was adopted by Lewes District Council in February 2020.

Local planning authorities are required by Section 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 to review their local plans within five years of their adoption date. The National Planning Policy Statement (NPPF) is also clear that policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.

As noted above, the Local Plan Part 1: Joint Core Strategy was adopted in May 2016 and will be five years old in May 2021. A review and update of its spatial strategy and strategic policies is therefore Council's priority in terms of its plan-making duties. This LDS sets out the programme for this work. The Local Plan Part 2: Site Allocations and Development Management Policies DPD was found 'sound' at examination and adopted in February 2020; an early review of these non-strategic policies is therefore unnecessary.

### **Context**

The development plan for the area covered by the Lewes District Planning Authority currently comprises:

- Lewes District Local Plan Part 1: Joint Core Strategy (2016)
- Lewes District Local Plan Part 2: Site Allocations and Development Management Policies (2020)
- 'Saved' policies of the Lewes District Local Plan (2003)
- Ditchling, Streat & Westmeston Neighbourhood Plan (2018)
- Hamsey Neighbourhood Plan (2016)
- Newhaven Neighbourhood Plan (2019)
- Newick Neighbourhood Plan (2015)
- Plumpton Neighbourhood Plan (2018)
- Ringmer Neighbourhood Plan (2016)
- Seaford Neighbourhood Plan (2020)
- Wivelsfield Neighbourhood Plan (2016)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)

### 'Saved' Policies

A number of policies in the Lewes District Local Plan (2003) have been 'saved' and will continue to form part of the development plan until replaced by the adoption of the Peacehaven and Telscombe Neighbourhood Plan. These policies are set out in Appendix 2.

### Neighbourhood Plans

Neighbourhood planning, introduced in the Localism Act 2011, allows town and parish councils to prepare neighbourhood plans for their area. Once adopted, these plans become part of the development plan and guide decision-making for the areas covered. In addition to the adopted plans above, further neighbourhood plans are being prepared. The timetables for preparing these plans are the responsibility of the relevant town or parish council and are therefore not addressed in this LDS. Further details can be found on the Council's website at:  
<http://www.lewes-eastbourne.gov.uk/planning-policy/neighbourhood-planning/>

### Waste and Minerals Plan

East Sussex County Council and the South Downs National Park Authority are responsible for waste and minerals development in Lewes District. Both authorities work in partnership with Brighton & Hove City Council to produce the Waste and Minerals Development Plan Documents covering East Sussex, the South Downs and Brighton & Hove. The timetables for preparing and reviewing these documents are not addressed in this LDS but can be viewed at:  
<https://www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/>

## **Local Plan Part 1 Review**

The adopted Local Plan Part 1 sets out the strategic policies to address the Council's priorities for the development and use of land in the district over the period to 2030. The previous version of this LDS (September 2018) included a commitment to reviewing and updating the adopted Local Plan Part 1 in order to ensure that the Council has an up-to-date local plan with a sufficiently forward-looking timescale. The programme set out for this work anticipated adoption of a new Local Plan Part 1 in autumn 2022.

Since the publication of the September 2018 version of the LDS, the Council has reviewed the relevant evidence to identify whether:

- The vision, strategic objectives and spatial strategy of the Local Plan Part 1 are being effectively delivered
- The strategic policies meet current national planning policy requirements

- There have been any local circumstances which have significant/material spatial implication for the development strategy set out in the plan

The evidence included the new NPPF, the Council's Annual Monitoring Report (AMR), the outputs from the Government's standard methodology in relation to housing need, the Council's Housing Delivery Test results, the current 5 year housing land supply, the Infrastructure Delivery Plan, and changes to the Council's corporate priorities.

Whilst the Council can currently demonstrate a 5 year supply of housing land and the adopted policies are on track to deliver the existing spatial strategy and other plan objectives over the remaining plan period, changing circumstances since the adoption of the Local Plan Part 1 demonstrate the need to undertake a full update of its strategic policies. These circumstances include:

- The adoption of the South Downs Local Plan in July 2019
- The publication of the new NPPF
- A significant increase in the district's local housing need from May 2021
- The adoption of a new Council Corporate Plan

Importantly, the NPPF (para.33) is clear that relevant strategic policies need updating at least once every five years if local housing need has changed significantly or is expected to change significantly in the near future. The new Local Plan Part 1 will therefore need to focus on a reappraisal of the district's housing delivery target, including a further exploration of the longer term options for meeting our overall housing needs over the new plan period.

As a consequence, it has been necessary to amend the programme set out in the September 2018 version of the LDS. This is required in order to factor in sufficient time to carry out the necessary evidence base studies and additional stages of plan preparation and public consultation and engagement.

The amendments to the programme include putting back the 'Issues and Options' (Regulation 18) consultation from autumn 2020 to spring 2021, the publication of a 'Preferred Options' document for public consultation (Regulation 18) in autumn 2021, the publication of any proposed main modifications for consultation, and the adoption of the new Local Plan Part 1 in winter 2023.

The strategic policies in the new Local Plan Part 1 will set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing, employment, retail, leisure, and other commercial development, infrastructure, community facilities, conservation of the natural, built and historic environment, and planning measures to address climate change mitigation and adaptation.

The new Local Plan Part 1 will cover the period 2018 to 2038, which reflects the introduction of the Government's new standard method for calculating local housing need and allows the plan to look ahead over a minimum 15 year period from adoption, in accordance with the NPPF (para.22). Once adopted, the new Local Plan Part 1 will supersede and replace the strategic policies in the current Local Plan Part 1 for that area of the district outside of the South Downs National Park. N.B. it will not replace the non-strategic policies in the adopted Local Plan Part 2: Site Allocations and Development Management Policies DPD.

## Timetable

The table below shows the key stages for the preparation for the review and update of the Local Plan Part 1 over the period from 2020-2023. These timeframes are considered achievable based upon the current level of resources available and the context set by current legislation and national planning policy and guidance. The Town and Country Planning (Local Planning) (England ) (Amendment) Regulations 2012 sets out the procedures for preparing Development Plan Documents (DPDs) and it is these regulations that are referred to in the timetables below.

However, there will always be a level of uncertainty due to unknown factors, e.g. future changes to legislation or national policy, issues with staff retention and recruitment, budgetary limitations, securing the appropriate co-operation with neighbouring authorities, the length of the examination in public. Clear project management and reporting arrangements will help ensure that the Local Plan Part 1 update is progressed in a transparent manner and that any risks/problems are identified and considered as early as possible. Any significant amendment to the published timetable would require a further review of the LDS.

### Lewes District Local Plan Part 1 Review

<b>Role and content</b>	Statement of the vision, objectives, spatial strategy and strategic policies for Lewes District outside of the South Downs National Park in the period to 2038. It will replace the Local Plan Part 1: Joint Core Strategy adopted in 2016.
<b>Status</b>	Development Plan Document (DPD)
<b>Chain of conformity</b>	Must be consistent with the National Planning Policy Framework. Regard will also be had to the National Planning Practice Guidance and other relevant strategies.
<b>Geographic coverage</b>	The whole of Lewes District excluding the area within the South Downs National Park.
<b>Timetable and Milestones</b>	
Consulting statutory bodies on scope of the Sustainability Appraisal	<b>Autumn 2020</b>



Community and stakeholder engagement on 'Issues and Options' (Regulation 18)	<b>Spring 2021</b>
Consultation on the 'Preferred Options' document (Regulation 18)	<b>Autumn 2021</b>
Publication of the Proposed Submission Document (Regulation 19)	<b>Autumn 2022</b>
Public representations period on the Proposed Submission document (Regulation 20)	<b>Autumn/Winter 2022</b>
Submission to the Secretary of State (Regulation 22)	<b>By or before Winter 2023</b>
Independent Examination (Regulation 24)	<b>By or before Winter 2023</b>
Publication of Proposed Main Modifications	<b>By or before Winter 2023</b>
Publication of the Inspectors Report (Regulation 25)	<b>By or before Winter 2023</b>
Adoption of document and revisions to Proposals Map (Regulation 26)	<b>By or before Winter 2023</b>
<b>Arrangements for production and review</b>	
<b>Who is leading the production of the document?</b>	Lewes District Council
<b>Management arrangements</b>	To be managed by the Head of Planning in consultation with the Local Plan Review Steering Group. Cabinet and Full Council approval required at certain key milestones in accordance with the Council's Constitution and the <i>Statement of Community Involvement</i> .
<b>Resources</b>	The Planning Policy Team at Lewes District and Eastbourne Borough Councils, supported by other specialist officers when required. External consultants will be appointed where necessary to assist in producing technical background evidence studies.
<b>External community involvement</b>	Consultation and engagement in accordance with the <i>Statement of Community Involvement</i>
<b>Monitoring and review mechanisms</b>	The Authority Monitoring Report

## Other Local Development Documents

This LDS focusses on the review and update of the Lewes District Local Plan Part 1 that will be prepared over the next three years. It does not cover the

production of other local development documents, such as Supplementary Planning Documents (SPDs). The need to produce a new SPD, or review an existing one, will be undertaken through the Authority Monitoring Report. Details of any future SPDs will be provided on the District Council's website, with all relevant stakeholders and consultees informed of the timetable at the start of the process.

## **Monitoring and Review**

The Council's performance against the LDS timetables will be monitored through the Authority Monitoring Report (AMR). This will be published annually on the council's website and will be used to identify future work priorities, see: <http://www.lewes-eastbourne.gov.uk/planning-policy/authority-monitoring-report-amr/> The LDS will be reviewed where the need for further documents emerges and to ensure that a three year programme is maintained.

## Appendix 1: Glossary

**Authority Monitoring Report (AMR)** – a report prepared by a local authority that assesses the impact of policies and whether targets for these policies are being met. The report is prepared on at least an annual basis and is available on the local authority's website.

**Development Plan** – the development plan is the starting point in the consideration of planning applications for the development or use of land.

**Development Plan Documents (DPDs)** – Planning documents that are subject to independent examination and form part of the statutory development plan for an area.

**Joint Core Strategy** – This is the adopted Local Plan Part 1. It sets out the long-term vision for the district and the spatial objectives and strategic policies required to deliver that vision.

**Local Development Documents (LDDs)** – The collective term for all documents that are prepared in association with a Local Plan, including Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.

**Local Development Scheme (LDS)** – A document setting out the programme for the preparation of Development Plan Documents. It sets out a 3 year programme and includes information on consultation dates. The LDS can be revised whenever necessary.

**Local Housing Need** – The number of homes needed within a local authority area, calculated using the Government's standard methodology introduced in 2018.

**Local Plan** – The term 'local plan' is used extensively in the new National Planning Policy Framework in preference to the previous term 'Local Development Framework'. It sets out a vision and policy framework to guide the future development and change of an area.

**Statement of Community Involvement** – sets out how a local planning authority will consult the community and stakeholders, not only on LDDs, but also on major planning applications.

**Supplementary Planning Documents (SPDs)** – these can be produced to provide policy guidance to supplement the policies and proposals in DPDs. They do not form part of the development plan but must undergo a formal process of consultation.

**Sustainability Appraisal (SA)** – Assessment of the social, economic and environmental impacts of the policies in Development Plan Documents

## Appendix 2: Schedule of Saved Policies

All Lewes District Local Plan 2003 policies were saved under a Direction by the Secretary of State in 2009. The majority of these policies have now been superseded and replaced by other development plan documents, including the Lewes District Local Plan Part 1: Joint Core Strategy, the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies, and Neighbourhood Plans.

However, early in the preparation of the Lewes District Local Plan Part 2, the District Council took the decision not to allocate non-strategic sites for specific land-uses or identify area specific policies in locations where a town or parish council were developing a neighbourhood plan that would include allocations for specific land uses.

The combined parishes of Peacehaven and Telscombe were designated as a neighbourhood area for the purposes of preparing a neighbourhood plan in 2013. Accordingly, the Local Plan Part 2 does not identify non-strategic site allocations or site specific policies within the Peacehaven or Telscombe neighbourhood area. The saved Lewes District Local Plan 2003 policies listed below will therefore remain part of the development plan for Lewes District until the Peacehaven and Telscombe Neighbourhood Plan has been approved at referendum.

<b>Chapter 13: Peacehaven &amp; Telscombe</b>	
Policy PT6	Meridian and Bolney Avenue Industrial Estates Link
Policy PT9	Meridian Centre
Policy PT10	Access and Permeability at the Meridian Centre
Policy PT11	Joff Youth Club
Policy PT12	The Coast, Clifftop and Foreshore
Policy PT13	The Coast, Clifftop and Foreshore
Policy PT18	Allotments
Policy PT19	Valley Road
Policy PT20	Valley Road