

Our Ref: PD/1926
Your Ref:



Ms. Anita Emery
Plumpton Parish Council
Elm Cottage
Church Street
Hartfield
TN7 4AG

31st July 2017

Dear Ms. Emery,

**Regulation 14 – The Neighbourhood Planning (General) Regulations 2012 and The Localism Act 2011 – Plumpton Neighbourhood Plan - Land at Riddens Lane, Plumpton Green, East Sussex
Site 1**

Executive Summary

In relation to the Regulation 14 consultation on the Plumpton Neighbourhood Plan we are generally supportive of the direction the plan and taken. In particular, we welcome the allocation of Land at Riddens Lane and the recognition that it is most sustainable allocation within the draft Plan as evidenced by the Strategic Environmental Assessment.

We have some concerns with the Draft Plan primarily relating to unnecessary prescription contained within the policies, notably relating to the 'cap' the Plan seeks to impose on the quantum of development for allocations and housing mix. Where we have raised concerns, we have identified the issue and recommended solutions. Please note that our comments in this regard are made to assist the Steering Group and with our common goal of a achieving a 'made' Neighbourhood Plan with land at Riddens Lane allocated for housing as swiftly as possible.

Introduction

Following the production of Plumpton Parish Council's draft Neighbourhood Plan for consultation and the publication of the Plan under Regulation 14 – The Neighbourhood Planning (General) Regulations 2012, please find below our comments made in respect of the Plan on behalf of our clients Messrs Kenyon and Maxwell-Gumbleton.

Our primary interest in the Plan relates to the allocation of residential development, in particular Site 1 land at Riddens Lane.

Overall, we are pleased with the progress that has been made on the emerging Plumpton Neighbourhood Plan and believe that it is clearly a product of a great deal of hard work for which the Steering Group should be commended.

In the preparation of these representations we have reviewed the requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 to confirm that:

- the 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;

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed by a qualifying body.

We are satisfied that this is the case.

We have assessed whether the submitted Plan meets the Basic Conditions as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 following the Localism Act 2011. In order to meet the Basic Conditions, the submitted Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area.

On these points we have concerns with the Parish Council's draft Plan. The Parish Council appears to be missing evidence based documents required to support some polices and has other policies that are overly prescriptive and do not sit well with the strategic polices contained in the emerging Lewes District Local Plan Part 1.

Should the Plan be submitted for Examination in its current form, the Examiner would recommend that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements. To assist the Parish Council we have identified the areas of concern, explained the problems and recommended solutions.

Policy 1 : Spatial plan for the parish

We support the spatial strategy which extends the development boundary to incorporate the sites (including site 1).

Policy 2 : New-build environment and design

We agree with the general ambition of the policy to achieve a high quality built environment through good design. However we are concerned that the policy applies a blanket approach to all new development and precludes a height of greater than two storeys. (Please refer to Criterion 2.)

The draft Plan is supported by a Design Statement but this is more of an aspirational document rather than an analysis of what forms of development are appropriate and why. There has been no objective assessment of adverse impacts that would arise if development in excess of two storeys took place at locations throughout the Parish. There is no rationale provided as to why this approach is taken. The provision of accommodation in excess of two storeys assists the efficient use of land and therefore this policy prevents the implementation of important national and local objectives (see NPPF paragraph 17).

The Framework is explicit that:

*"Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, **design policies should avoid unnecessary prescription or detail** and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."*(Paragraph 59) (Our emphasis)

We note the policy guidance quoted above is directed at Local Planning Authorities but is equally relevant to Neighbourhood Plan Steering Groups as they prepare Neighbourhood Plans.

We suggest criterion 2 is deleted or alternatively reworded in a positive fashion such as:

"Ensuring new developments: are of an appropriate height, bulk, mass and scale related to their context."

This would allow the decision maker to refuse 3 storey development if it were harmful to the area but would not preclude it outright.

Policy 7: New Housing

We can see no evidence of what *"type of housing will meet local needs"*. The document entitled Community Evidence (2016) sets out the type of housing that the local community would like to see built, but this is distinctly different to the type of housing that the community needs. Criterion 1 is an understandable aspiration but it is not underpinned by any evidence. Evidence should be provided.

Due to the absence of evidence criterion 2 should be amended to simply say that there will be a mix of housing rather than seeking to prescribe the mix. It is inappropriate to preclude five bedroom properties in their entirety.

We support the explanatory text that identifies that housing sites for 68 dwellings have been found. This represents a pragmatic approach on behalf of the Steering Group given requirement for Lewes District Council to allocate further housing. We would suggest that the first sentence of paragraph 5.34 is amended to read *"This policy identifies housing sites for a minimum of 68 units."* This would bring the policy in line with the strategic policies of the development plan for the area, notably Spatial Policy 1 - Provision of housing and employment land in the Lewes District Local Plan Part 1 Joint Core Strategy 2010 – 2030.

Policy 7.1 : Riddens Lane, Plumpton Green

We support the allocation of the site and welcome the acknowledgement in the Strategic Environmental Assessment that it is the most sustainable site the village has to offer.

We believe the area shown on Policy Map E amounts to more than 0.6 hectares. It is closer to 1 hectare.

Limiting the development to 16 dwellings is inappropriate and is not be in general conformity with the strategic policies of the development plan for the area. This is an issue that have seen examined time and time again with the same outcome.

Strategic Objective 3 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010 – 2030 indicates the Council will aim *"to deliver the homes and accommodation for the needs of the district."* The Council is unable to meet the full objectively assessed housing needs of the district and this has been confirmed at Examination. As a result of this, Spatial Policy 1 - Provision of housing and employment land has been words as follows:

*"In the period between 2010 and 2030, a **minimum of 6,900 net additional dwellings** will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum)."*(Our emphasis)

This was an alteration to the emerging Plan that the examining Inspector insisted upon through MM01 and MM02 to make the Plan sound and legally compliant. Paragraph 56 of his Final Report - March 2016 (Please see Appendix A) confirms:

*"Consequently, the Plan as modified now includes a significant increase in the level of new housing provision, from 5,600 as originally submitted, **to a minimum of 6,900 in total**"* (Our emphasis)

Spatial Policy 2 – Distribution of Housing follows the same pattern and explicitly states that Plumpton Green is to deliver *"a **minimum of 50 net additional units.**"*(Our emphasis)

Clearly the Government Inspector's ambition was that the housing target was a floor rather than a ceiling in order to meet the strategic national aim to *"boost significantly the supply of housing"* (NPPF paragraph 47)

The Examiner of the Kirdford Neighbourhood Plan (Appendix B) makes express reference in relation to housing targets being a minimum. The Examiner recommends the following change at paragraph 132 of their Report:

"Recommendation: in order to avoid confusion and to ensure flexibility, I recommend deletion of upper limits where mentioned in the accompanying text to Policies KSS1 and KSS5 and in Section 3. I recommend deletion of the Summary in Section 3. A new paragraph at the beginning of the new Section 'Site Specific Land Use Policies' should explain that the minimum number of dwellings allocated on these sites is 61. The maximum numbers will be determined on a site - by site basis, taking into consideration site constraints and emerging Local Plan Policy."

The Examiner of the Newick Neighbourhood Plan (Appendix C) notes in his Report:

"Nowhere does the Neighbourhood Plan seek to place a cap, or a maximum limit on the number of dwellings to be built in the Neighbourhood Area during the plan period. This approach has regard to the Framework's Presumption in favour of sustainable development."(Page 19)

We infer that had it imposed a cap, this would have been inappropriate.

We understand the community's aspiration to have housing development spread across sites in clusters of no more than 20 units. We would suggest this is added to Policy 7 : New housing and reference made to the supporting evidence base. Specifying a maximum number of 16 units for land at Riddens Lane does not meet the basic conditions and there is no evidential basis for it.

Conclusion

In our view the draft Plan would not meet the Basic Conditions as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. We have suggested modifications to assist the Steering Group with the re-drafting of the Plan and would be happy to discuss these further at the Steering Group's convenience.

We welcome the allocation of Land at Riddens Lane and the recognition that it is most sustainable allocation within the draft Plan as evidenced by the Strategic Environmental Assessment.

We appreciate that a great deal of hard work has gone into the preparation of the draft Plan and hope that our comments are not seen as obstructive, but rather as drawing on our experience of Neighbourhood Plans to assist the Steering Group in achieving our common goal of a 'made' Neighbourhood Plan with the land at Riddens Lane allocated within it.

If you have any queries please do contact us.

Yours sincerely

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The Planning Inspectorate

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

by Nigel Payne BSc (Hons), Dip TP, MRTPI, MCMi

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

Date: 22nd March 2016

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

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

Document submitted for examination on 19 September 2014

Examination hearings held between 20 January and 17 December 2015

File Ref: PINS/P1425/429/12

Abbreviations Used in this Report

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

Non-Technical Summary

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

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

The Main Modifications can be summarised as follows:

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

Introduction

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

Assessment of Duty to Co-operate

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

Assessment of Soundness

Main Issues

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

Issues 1 and 2 - Vision, Objectives, Strategy

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

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

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

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

Issue 3 - Employment Scale/Distribution (Policy SP1)

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

Policy SP1 – Provision of Employment Land

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

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

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

Policy SP1 – Provision of Housing Land

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

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

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

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

Policy SP2 – Distribution of Housing

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

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

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

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

(5 Year) Housing Land Supply

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

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

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

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

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

Policy SP3 - Land at North Street, Lewes

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

Policy SP4 - Land at Old Malling Farm, Lewes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy SP6 - Land north of Bishops Lane, Ringmer

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

Policy SP7 - Land at Harbour Heights, Newhaven

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

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

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

Policy SP8 - Lower Hoddern Farm, Peacehaven

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

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

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

Housing Omission Sites

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

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

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

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

Policy CP1 – Affordable Housing

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

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

Policy CP2 – Housing Type, Mix and Density

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

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

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

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

Policy CP3 – Gypsy and Traveller Accommodation

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

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

Issue 6 – Employment Policies (Policy CP4)

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

Policy CP4 – Economic Development and Regeneration

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

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

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

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

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

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

Policy CP5 - The Visitor Economy

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

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

Policy CP6 – Retail and Town Centres

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

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

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

Issue 8 – Infrastructure (Policy CP7)

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

Policy CP7 - Infrastructure

127. The Infrastructure Delivery Plan (IDP) (LDC **071**), which is a “living” document to be kept under review, was last updated in July 2015 alongside the proposed modifications to the Plan. As a result it takes into account the increased requirement for a minimum of 6,900 net new homes in the district between 2010 and 2030 as well as the implications of the other changes to the Plan in respect of likely demands for services, community facilities and the like. It concludes that there are no critical outstanding infrastructure issues (or “showstoppers”) that would prevent or delay the development proposed in the Plan and there is no substantive evidence available to indicate otherwise.
128. However, there are some schemes that are essential for delivery to particular timescales and these are listed together with details of their risks, likely implementation timings and funding/costs. Overall, the evidence is clear and robust, providing the necessary reassurance that there are reasonable prospects of delivery, when needed. Importantly, this includes in respect of each of the allocated strategic sites for new housing. Nevertheless, it remains essential that the Councils, together with ESCC as local highway authority, continue to closely monitor the long term effectiveness of measures to manage and reduce car traffic. This is particularly so on the main A27 and A259 east west roads, key strategic routes through the district, in conjunction with Highways England (HE), where some funding is already committed for improvements east of Lewes.
129. Policy CP7 of the Plan provides the planning policy basis for all of the above, including the updating of the IDP, emphasising the need to retain and enhance community facilities and services alongside new development and confirming the intention to introduce a CIL in both the NP and separately in the remainder of the district. Further details of local scale community needs for services and facilities will also be addressed in the Part 2 LP and South Downs LP. Part 2 of policy CP7 also provides suitable and sensible criteria against which proposals involving the loss of a community service or facility will be considered,

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

Policy CP8 – Green Infrastructure

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

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

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

Policy CP9 – Air Quality

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

Policy CP10 – Natural Environment and Landscape

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

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

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

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

Policy CP11 – Built and Historic Environment and Design

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

Policy CP12 – Flood Risk, Coastal Erosion and Drainage

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

Issue 10 – Transport (Policy CP13)

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

Policy CP13 – Sustainable Travel

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

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

Issue 11- Energy (Policy CP14)

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

Policy CP14 – Renewable and Low Carbon Energy

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

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

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

Issue 12 – Implementation, Flexibility, Delivery, Monitoring

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

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

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

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

Assessment of Legal Compliance

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

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

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

Overall Conclusion and Recommendation

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

Nigel Payne

Inspector

This report is accompanied by the Appendix containing the Main Modifications

Appendix B

Kirdford Parish Neighbourhood Development Plan 2013

Report by Independent Examiner

Janet L Cheesley BA (Hons) DipTP MRTPI

CHEC Planning Ltd

January 2014

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Introduction

1. I was appointed as an independent Examiner for the Kirdford Parish Neighbourhood Development Plan 2013 in November 2013.
2. On 2 October 2012, Chichester District Council approved that the Kirdford Parish Neighbourhood Development Plan Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Kirdford.
3. The qualifying body is Kirdford Parish Council. The plan has been prepared by the Kirdford Parish Neighbourhood Plan Steering Group on behalf of Kirdford Parish Council. The plan covers the period to 2028.

Legislative Background

4. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - the policies in the Plan 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;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
5. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
6. I am obliged to determine whether the plan complies with the Basic Conditions. These are that the Plan is required to:
 - have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies contained in the Development Plan for the area; and

- not breach, and is otherwise compatible with, EU obligations and human rights requirements.
7. Chichester District Council has confirmed that the Plan would not trigger the need for a full Strategic Environmental Assessment or Habitat Regulations Assessment.
 8. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

9. *The National Planning Policy Framework 2012* (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
10. Kirdford Parish is within two Local Planning Authority areas, namely Chichester District Council (CDC) and the South Downs National Park (SDNP). The National Park Authority became the statutory Planning and Access Authority for the South Downs National Park area in 2011, responsible for preparing its own plans. Until such time as a Local Plan is produced for the National Park, the development plan for the Kirdford Neighbourhood Development Plan Area comprises saved policies from the *Chichester District Local Plan First Review* (adopted in April 1999). This Local Plan includes saved strategic policies regarding the natural environment.
11. Chichester District Council has recognised that it has a five-year housing land supply shortfall. To address this issue, the Council has produced an *Interim Policy Statement on Housing - Facilitating Appropriate Development* (2012). This interim statement does not apply to land in the South Downs National Park.
12. I have been referred to Chichester District Council's Interim Policy Statements on *Planning for Affordable Housing* (2007) and on *Planning and Climate Change* (2012).
13. Chichester District Council published the *Chichester Local Plan: Key Policies Pre-submission 2014-2029* in November 2013. This Local Plan and the Kirdford Neighbourhood Development Plan have been advancing in parallel. There is no legal requirement to test the Neighbourhood Development Plan against emerging policy.

The Neighbourhood Development Plan Preparation

14. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. These are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

15. In May 2011, Kirdford Parish Council decided to convert a Community-Led Plan into a Neighbourhood Development Plan, with the required additional considerations to be given to land use and development policies.
16. Kirdford Neighbourhood Plan Steering Group carried out a site appraisal of all sites bordering the Settlement Policy Area (SPA) boundary, which were reviewed at a workshop led by The Princes Foundation.
17. The views of local residents were sought via a variety of exercises including survey questionnaires, public events, seminars and written contributions. Local organisations and businesses were consulted and invited to respond to questionnaires and/or provide submissions in writing or by way of discussion groups and meetings.
18. The central focus of all consultation information has been the Steering Group's website, which is linked to the Parish Council's website. Details of all documents in draft form as they evolved have been available for viewing and commenting upon through the website. I have viewed documents on this website. It is a well laid out and user-friendly site, which provides easily accessible up to date information.
19. In addition to the website, communication included email, publicity information published in Kirdford's monthly parish magazine, *The Parish News*, and notices and posters displayed on the four parish notice boards.
20. Support was received from The Glass House (Community Led Planning Consultants) and The Princes Foundation to help the community define the issues to be included in the Neighbourhood Development Plan and to identify the options through workshops and presentations. Informal lectures and information sharing events were organised. Specialists were engaged when required to help the community understand conversion to a Neighbourhood Development Plan.
21. The Consultation period on the Pre-Submission draft Neighbourhood Development Plan ran from 12 December 2012 until 4 February 2013. Consultation included the publication of all final draft documents on the website and copies were available for view at Kirdford Village Stores. 44 responses were received during the consultation period. These comments were considered by the Steering Group and 19 changes were made to the plan, five of which related to policies.
22. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. Indeed, it went well beyond the requirements and I applaud the efforts of the Parish Council and the Steering Group.
23. Following the pre-submission consultation, the Steering Group commissioned a planning consultant to assist with the re-wording of the policy text to incorporate planning terminology. A public meeting was held on 14th June

2013 in Kirdford Village Hall, when the revised wording was explained to residents who reaffirmed the document was consistent with the version consulted upon.

24. CDC publicised the Plan for comment during the publicity period between 19 July and 2 September in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 17 responses were received. I am satisfied that these representations can be assessed without the need for a public hearing. Whilst I have not made reference to all these representations in my report, I have taken them into consideration.

The Kirdford Parish Neighbourhood Development Plan

Section 1 Introduction

25. The plan area is a rural parish, with the main settlement area being Kirdford Village and a small settlement cluster at Hawkhurst Court, which lies within the South Downs National Park.
26. Included in this Section is a clear vision in the community's Vision Statement:

To ensure that the special characteristics of the village and Parish area, including their rural feel, historic buildings and relationship with the surrounding countryside, are enhanced and protected. Whilst at the same time recognising that change is inevitable and can be desirable when there is positive planning to support sustainable development.

Section 2 Issues and Objectives

27. The first three pages of this Section provide a useful context to the Plan area. They describe Kirdford Village today and the context for the Plan. They include two illustrations showing existing features and major land use. I suggest they are retained in the Plan and incorporated into the preceding Section.
28. The remainder of this Section sets out issues identified by the local community and lists eight objectives. It does appear that there is some confusion surrounding the status of these issues and objectives. In particular, in the representations, some consultees seemed to consider them to be policies.
29. The objectives appear to have evolved as part of the public consultation process. They are objectives to be taken into account in the production of the Plan. This is distinctly different to being the objectives of a finalised plan. It is important that these objectives are not perceived to be given a similar status to the land use policies. Some of the items listed in the objectives are not

mentioned again in the Plan and a number are not related to land use planning. They create confusion with regard to the status of the issues and objectives and detract from the development and land use planning role of the Plan.

30. It is necessary for Neighbourhood Development Plans to provide '*a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*' as stated in the core planning principles in paragraph 17 in the NPPF. The issues and objectives do not provide a practical framework. Their deletion would meet the Basic Conditions in terms of having regard to national policy.
31. The deletion of the issues and objectives would provide clarity. I do refer to clarity with regard to a number of recommendations to policies in the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF.
32. In terms of editing, I suggest that the existing Section 2 is deleted, with the first three pages moved to Section 1. The Issues and Objectives could possibly be published separately as a background document.
33. **Recommendation: In the interest of clarity, I recommend the deletion of the Issues and Objectives from Section 2.**

Section 3 Community Proposals and Proposals Maps

34. Please see my comments under Kirdford Site Specific Policies below.

Section 4 Policies

35. In some instances, the policies are similar to those in the emerging Local Plan. In order to meet the Basic Conditions, it is not necessary to delete policies on the basis that they are duplicating emerging Local Plan Policies.
36. I have not specifically referred to all policies in the Neighbourhood Development Plan. I am satisfied that those policies I do not refer to meet the Basic Conditions.

Overarching Policies

General Policy SD.1: The Presumption in Favour of Sustainable Development

37. Policy SD.1 generally accords with the presumption in favour of sustainable development as set out in the NPPF. This policy is practically the same as draft Policy 1 in the *Chichester Local Plan: Key Policies Pre-submission 2014-2029*. I appreciate that the draft Local Plan may be subject to future amendment. As both plans are advancing in parallel, it is likely that there may

be duplication of this sustainable development policy. Nevertheless, in the absence of CDC having an adopted strategic policy with regard to sustainable development, I am satisfied that Policy SD.1 contributes to the achievement of sustainable development and has regard to national policies.

38. I am concerned that the informative accompanying Policy SD.1 seeks to redefine 'sustainable'. Having regard to national policy in the NPPF, I recommend modification to the first sentence of this informative, in order to meet the Basic Conditions.

Recommendation: modification to the beginning of the first sentence of the informative as follows: 'Informative: In the context of Kirdford, sustainability is particularly relevant with regard to:'.

Policy SDNP.1 - Development in the Neighbourhood Plan Area that lies within the South Downs National Park

39. This policy ensures that the two purposes of National Park designation are achieved within the Plan area that lies within the South Downs National Park. The saved Local Plan Policies pre-date the formation of the South Downs National Park and there is no up-to-date Development Plan for the National Park in Chichester District. Policy SDNP.1 demonstrates that it has had regard to national policy as set out in the Environment Act 1995 and the NPPF. Therefore, I consider that this policy meets the Basis Conditions.

Policy SDNP.2 – Setting of the South Downs National Park

40. This policy recognises the National Park's special qualities, in accordance with national policy. I understand that the South Downs Management Plan is due to proceed to adoption. To clarify the policy intention, I recommend that the word 'draft' in the last sentence is replaced with the word 'emerging'.
41. **Recommendation: in the interest of clarity, replace 'draft' in the last sentence with 'emerging'.**

Environmental Management Policies

Policy EM.1: Management of the water environment

42. It is clear that there is regular localised flooding of roads. The NPPF states at paragraph 101 that '*a sequential approach should be used in areas known to be at risk from any form of flooding.*' Paragraph 104 in the NPPF states that '*applications for minor development and changes of use should not be subject to the Sequential Test, but should still meet the requirements for site-specific flood risk assessments.*'
43. Policy EM.1 requires all new development to have a surface water management plan. To accord with the NPPF, I recommend that this is referred to as 'a site-specific flood risk assessment.'

44. The SDNP Authority has raised concern regarding the requirements in Policy EM.1 being a burden on developers, particularly for minor development. I am satisfied that the second paragraph in Policy EM.1 addresses this concern as the list of criteria is not required to be satisfied if unreasonable, unnecessary or would impact on the viability of a scheme.
45. The third criterion in Policy EM.1 duplicates the first criterion, although it omits the word 'any' before the word 'development'. In the interest of clarity, the word 'any' in the first criterion should be replaced with the word 'the' and the duplicate third criterion should be deleted.
46. As measures to address flood risk have been identified in the Plan, I consider it reasonable and necessary that this policy refers to a requirement for appropriate financial contributions towards off-site drainage and water run-off management.
47. **Recommendation: to meet the Basic Conditions, I recommend the following modifications to Policy EM.1: replace 'surface water management plan' in the first sentence with 'site-specific flood risk assessment'. Replace 'any' in the first criterion with 'the'. Delete the third criterion.**

Policy EM.2 – Nature Conservation Sites

48. I note that this policy wording was suggested by Natural England, although Natural England is now seeking the inclusion of undesignated areas. I am required to assess the policy against the Basic Conditions. The absence of reference to undesignated sites does not mean that the policy does not meet the Basic Conditions.
49. Designated sites have their own protection through EU legislation and the NPPF. Whilst it is not necessary to repeat policy found elsewhere, a Neighbourhood Development Plan can nevertheless meet the Basic Conditions if such replication of policy is included.
50. The SDNP Authority has raised concern regarding this policy. The Authority seeks to ensure that the protection of nature conservation sites is commensurate with their status. It identifies that for locally designated assets, exceptions for development will only be made where no reasonable alternatives are available and the benefits of development clearly outweigh the negative impacts. In contrast, in a Special Area of Conservation, development with potential to significantly affect the area would require special scrutiny and a detailed appropriate assessment.
51. To ensure the correct interpretation of the protection of these areas, I recommend that the difference in status is acknowledged in Policy EM.2.
52. Southern Water is seeking recognition within the policy that development for essential infrastructure will be granted in special circumstances. Subject to

my recommendation below, I am satisfied that existing legislation allows for exceptions where appropriate to the status of nature conservation sites. Therefore, it is not necessary to include reference to essential infrastructure in Policy EM.2.

53. I note the 'Conformity Reference' in connection with this policy refers to the wrong saved Local Plan Policies.
54. **Recommendation: to meet the Basic Conditions I recommend the addition of the following sentence at the end of Policy EM.2. 'The level of protection to be commensurate with their status.'** In the interest of clarity, reference to 'Saved Plan Policy R7 and R8 in the Conformity Reference should be amended to 'Saved Local Plan Policies RE7 and RE8.'

Policy EM.3 – Conserving and enhancing the historic environment

55. English Heritage has suggested the use of the word 'conserve' rather than 'protect' or 'preserve' and the inclusion of 'clearly and convincingly demonstrated' rather than 'clear and convincing justification' in the third paragraph. I agree with these suggestions to ensure continuity with the NPPF.
56. **Recommendation: to meet the Basic Conditions I recommend Policy EM.3 is re worded as follows:**

*The historic environment within the Plan Area will be **conserved** and enhanced through positive action.*

The significance of designated heritage assets, including nationally protected listed buildings and their settings, archaeological sites and conservation areas and their settings, as well as undesignated heritage assets (including locally listed buildings), will be recognised and they will be given the requisite level of protection.

*Development proposals which **conserve** and enhance a heritage asset will be supported where this is **clearly and convincingly demonstrated** by way of an assessment of the significance of the asset or its setting.*

*The sustainable re-use, maintenance and repair of listed buildings and other heritage assets will be supported. Particularly for those identified as being at risk. In conservation areas, the built form will be **conserved** and enhanced and there should be no net loss of trees. Physical improvements to conservation areas should be linked to the objectives contained within the Kirdford Village Design Statement, the Kirdford Conservation Area Appraisal and Management Proposals and the accompanying Townscape Analysis Map where appropriate.*

Development proposals should seek to maintain local distinctiveness through the built environment, in terms of buildings and public spaces – and enhance the relationships and linkages between the built and natural environment.

Community Development Policies

Policy CP.1 – The use of s106 Agreements and CIL to support community development

57. The reasoned justification accompanying this policy recognises that there is insufficient development land within the existing SPA to provide for all new or extended community facilities considered a prerequisite for future sustainable growth.
58. I note that the Parish Council has set up a Community Land Trust and has considerable experience in the complexity of delivering a community facility, in the provision of the community-owned Kirdford Village Stores. The Parish Council has considerable experience in delivering community development and the Action Plan in Section 5 shows that the deliverability of identified projects has been considered in detail.
59. Concern has been raised by Banner Homes Ltd with regard to the need to ensure that any contributions sought to support community development are subject to overall viability considerations.
60. Paragraph 173 in the NPPF states: *‘Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.’*
61. I am satisfied that the proposed provision of community development is reasonable and necessary and the mechanisms are in place to make this achievable. However, the list of proposed community development in Policy CP.1 is extensive. It is imperative that contributions for community facilities sought from development in the plan area do not make such development unviable. Otherwise, there may be a risk that the delivery of necessary housing may not be achieved. Thus, I recommend modification to Policy CP.1 to ensure the viability of development proposals.
62. In addition, I recommend the deletion of *‘and any percentage payment of New Homes Bonus or any other contribution that may become available to Kirdford Parish Council’* from the first paragraph. Such contributions would not come directly from the developer.
63. The list of proposed community development projects identified in this policy is included in the Action Plan. To clarify the policy intention, I recommend that there is cross-referencing to the specific projects in the Action Plan i.e. (Countryside and Environment Project No. 1).

64. **Recommendation: in order to meet the Basic Conditions, I recommend that the first two paragraphs of Policy CP.1 are modified as follows and the list of community development is cross-referred to projects in the Action Plan, where appropriate.**

*Any planning applications for new development within the Plan Area must demonstrate how they can contribute towards the delivery of community development. **This may be through contributions via a Section 106 Agreement or through payment of any future Community Infrastructure Levy.***

*Provision towards community development, either through direct provision of new facilities or through financial contributions, will be expected from all development subject to the guidance set out in the National Planning Policy Framework, **including the ability for development to be delivered viably.***

Policy CP2: The retention of assets of community value

65. This is not a land use policy. Therefore, I recommend this Policy becomes a Non - Statutory Community Aspiration and is moved to the Section 'Non - Statutory Community Aspirations and Action Plan' that I refer to below.
66. CDC is obliged to hold a Register of Assets of Community Value. In order for the identified buildings to be included in the Register, it is necessary that these buildings are nominated for inclusion and that CDC accepts the nominations. I note that such a nomination has been declined for the Workshop, thus it would be sensible to remove the Workshop from the list.
67. **Recommendation: As this is not a land use policy, I recommend the deletion of Policy CP2. It can be incorporated into the Non - Statutory Community Aspirations and Action Plan Section as a Non - Statutory Community Aspiration.**

Housing Policies

Policy H.1 – Local occupancy conditions

68. This policy seeks to restrict occupancy of new dwellings, including affordable, work/live units and 1 and 2 bedroom market housing and a proportion of dwellings on sites of two dwellings or more in the SPA, to local occupancy if a list of criteria is satisfied. In particular, this Policy specifies that clear, robust, up-to-date evidence of local need is required before the inclusion of a local occupancy clause.
69. Preceding this policy is a definition of 'local' to inform the housing policies. This list represents the broadest criteria to be used to identify local need. An enhanced set of criteria would be used to allocate affordable housing. The criteria for affordable housing and exception sites are broadly in accordance with the definition of 'Local Connection' as outlined in the *CDC Allocation*

Scheme (July 2013). Therefore, I consider the local occupancy conditions with regard to affordable housing and rural exception sites are acceptable.

70. I realise that I have limited evidence before me with regard to the need for local occupancy conditions for market housing. I understand that high second/holiday home ownership within Kirdford makes it difficult for local people to secure housing. The Kirdford Neighbourhood Plan Sustainability Appraisal identifies that deprivation measures place the Parish as deprived in terms of access to housing. In addition, it identifies that house prices in Kirdford are significantly higher than those for comparable homes in the wider district.
71. Evidence of local need would be assisted by the proposed Parish Housing Register for market and affordable housing. This would help provide the up-to-date locally identified need which is required to 'trigger' the local need requirement. However, in the absence of this Register, I have no robust and credible evidence before me to clearly justify the policy approach with regard to local occupancy conditions and market housing.
72. Without the evidence base required, this policy approach to market housing would not have regard to the NPPF. In particular, it would not ensure the provision of a '*mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*' (paragraph 50). I realise that local people are likely to be disappointed with my recommendation, but the policy approach to market housing would be contrary to the Basic Conditions. Therefore, I recommend the deletion of local occupancy conditions with regard to market housing from Policy H.1.
73. **Recommendation: include 'for affordable housing' at the end of the Policy title. Delete reference to market housing from Policy H.1 and from the definition of 'local' preceding Policy H.1.**

Policy H.2 – Housing for Older People

74. The CDC *Interim Statement on Planning for Affordable Housing* (2007) has a requirement for 20% of dwellings as affordable housing on sites of 5-9 dwellings and 40% on larger sites. I note that the emerging Chichester Local Plan has a draft policy requiring 30% affordable housing on all new sites. Although this requirement may be modified in a final Local Plan, it is not in dispute that there is an identifiable need for affordable housing in the Kirdford Neighbourhood Development Plan area.
75. Policy H.2 seeks housing for older people on sites of four or more dwellings. It states that affordable housing may be sought in addition to housing for older people. This implies a hierarchy whereby housing for older people outweighs a need for affordable housing. Whilst I acknowledge that Kirdford has a high proportion of older people, evidence also indicates that there is a need for affordable housing. Therefore, I see no robust and credible evidence base to justify this policy approach.

76. The Parish Council, in the Pre-Examination Response, has referred to a similar policy in the *Upper Eden Neighbourhood Development Plan*. I have read the relevant section of the Examiner's Report into that Plan. It does appear that the circumstances are distinctly different to the circumstances before me, in that the Upper Eden Plan area included two large service areas. The Examiner recommended that the section of the policy in relation to sites of four units or more was restricted to the main service centres only. This was due to his concern with regard to the imposition of such a policy on development in a small settlement, where the need for more general affordable housing and NPPF 173 comes more strongly into play. I share that concern.
77. I consider the proposed hierarchy in the first paragraph of Policy H.2 could have a detrimental effect on the deliverability of general affordable housing. This would be contrary to policy in the NPPF with regard to meeting identified need for affordable housing. Thus, Policy H.2 would not meet the Basic Conditions in this respect. Therefore, I recommend the deletion of this part of the policy. I realise that this has implications for the site specific policies later in the Plan, as this requires the references to the provision of housing for older people in the site specific policies to be deleted. As I have not found it appropriate for local occupancy conditions to be imposed on market housing in Policy H.1, the remaining paragraph should specifically only refer to affordable housing for older local people in the first and third criteria.
78. I realise that local people may be unhappy with this recommendation. I feel that the retention of the last paragraph of this policy will allay these concerns to some extent. The retention of the last paragraph would make certain that the intention to provide appropriate alternative housing for older people is not lost. That paragraph supports proposals coming forward for housing for older people. Although I recommend reference to the requirement for housing for older people is deleted from the site specific policies, this does not preclude developers from proposing development for older people on the allocated residential development sites.
79. **Recommendation: In order to meet the Basic Conditions, I recommend the deletion of the first two paragraphs of Policy H.2 and editing of the accompanying text accordingly. I recommend the retention of the last paragraph of the policy with specific explanation that criterion 1 and criterion 3 only apply to affordable housing. I recommend reference to housing for older people be deleted from the site specific policies and replaced where appropriate with residential development.**

Policy H.3 – Agricultural Occupancy Conditions

80. This policy seeks to retain existing agricultural or forestry workers accommodation in the long term by resisting loss to market housing. The final criterion in the marketing exercise concerns flood risk. This is not necessary as the policy proposes retaining agricultural dwellings as other

residential properties. Thus, there would not be an intensification of use. In accordance with the NPPF, a sequential risk based approach would not be necessary in these circumstances. By deleting this criterion, I consider this policy would be in accordance with the NPPF with regard to the objectives of supporting a prosperous rural economy.

- 81. Recommendation: In order to meet the Basic Conditions, I recommend the deletion of the last criterion in the informative to Policy H.3.**

Policy H.4 – Work/Live Units

82. The evidence base includes the report *Tomorrow's Property Today (2008)* which fully explains the concept of work/live units and how they are distinctly different to 'home working' in a dwelling. Work/live units are defined as the '*design or conversion of a building to create a professional workspace that can be used comfortably – and possibly by more than one person – to run a business.*'
83. The Kirdford Neighbourhood Plan - Sustainability Appraisal identifies that '*the parish has higher than average full-time employment with a high percentage of the workforce educated and skilled and working in professional roles. However, there is still a significant proportion of people with no qualifications and access to work relies heavily upon car use.*'
84. I have no robust and credible evidence before me to determine that there is a locally identified need for work/live units. The Parish Council has had the opportunity to provide such local evidence base throughout the plan making process. I have decided against holding a Hearing to seek clarification on this matter, for two reasons. Firstly, that I do not need clarification with regard to the work/live concept, as I have sufficient detail before me. Secondly, if any locally identified need were to be produced at a Hearing, it would constitute the introduction of new evidence, which would be contrary to the Regulations.
85. For the above reasons, I am not satisfied that there is a local evidence base justification for work/live units to be allocated on development sites within the Plan area. This would have a detrimental effect on the deliverability of residential development. Nevertheless, Policy H.4 does not specifically allocate sites for work/live units. It supports them wherever possible and seeks to ensure that they are compatible with neighbouring uses. If proposals for work/live units were to come forward, this policy would encourage such uses on appropriate sites. As such, I consider this policy accords with the NPPF with regard to supporting a prosperous rural economy, as long as reference is included to determining that there is an up to date local need. Therefore, the retention of Policy H.4, with the inclusion of 'if it can be determined that there is an up to date local need' at the end of the first sentence, would meet the Basic Conditions.

86. I realise that local people may be disappointed with my conclusion that work/live units should not be specifically allocated within residential sites in the Plan. I would urge any local people with a genuine intention to run a business from a work/live unit not to be disheartened, as the retention of this policy does retain support for the principle of work/live units, if it can be determined that there is an up to date local need.
87. **Recommendation: retention of Policy H.4 with the inclusion of ‘if it can be determined that there is an up to date local need’ at the end of the first sentence. Deletion of allocations of work/live units in site specific Policies KSS1 and KSS2a and replacement where appropriate with residential development.**

Policy H.5 – Replacement or Extension of Existing Rural Dwellings

88. The title of this policy refers to replacement dwellings, but the policy only refers to extensions. This policy cross-refers to Policy G2, which appears to be a policy number in a former version of the Plan.
89. **Recommendation: in the interest of clarity, I recommend the removal of the cross reference to Policy G2 and removal of reference to ‘Replacement Dwellings’ in the title and accompanying text.**

Design Standards Policies

Policy DS.1 – New development on unallocated sites

90. The SDNP Authority has requested that reference is made in this policy to paragraph 16 in the NPPF. Whilst I have no objection to such a reference being included, I consider that the policy as it stands meets the Basic Conditions. In particular, it cross-refers to other policies in this Plan, which includes Policies SDNP1 and SDNP 2 with regard to development in the National Park. Therefore, I do not recommend modification to this policy.

Policy DS.4 – Local Fibre or Internet Connectivity

91. This policy seeks the provision of good telecommunications and connectivity as a means of delivering sustainable economic growth. In order to ensure that such requirements are reasonable in terms of viability and deliverability of the development proposed, reference should be made to paragraph 173 in the NPPF.
92. This policy has been incorrectly numbered as E.2.
93. **Recommendation: in the interest of viability and deliverability, insert after ‘minimum’ in the fourth sentence ‘and subject to viability and deliverability in accordance with paragraph 173 in the National Planning Policy Framework’. In the interest of clarity, renumber this Policy as Policy DS.4. These modifications would meet the Basic Conditions.**

Policy DS.5 – Code for Sustainable Homes Standards in the Plan

94. This policy seeks to encourage reduction of energy usage. It specifically refers to Level 5 Code for Sustainable Homes standard for new houses within and adjoining the settlement area. The Parish Council has confirmed in the Pre-Examination Response that this Policy is meant to cover the whole of the Plan area.
95. Level 5 is a high level to attain. In order to ensure viability and deliverability, it is necessary to include reference to paragraph 173 in the NPPF in this policy.
96. **Recommendation: in the interest of viability and deliverability insert at the end of this policy: ‘and subject to viability and deliverability in accordance with paragraph 173 in the National Planning Policy Framework.’ This modification would meet the Basic Conditions. As it is clearly the intention that the Policy covers the whole Plan area, I suggest the deletion of ‘and adjoining the settlement’ and replacement with ‘the Plan’.**

Recreation Policies

Policy R.1 – Local Green Space

97. Land to the north east of Growers Green/Bramley Close is proposed as allotments and an orchard, (Proposal 8 (B)). Land to the south of Townfield and Cornwood is proposed as a new village social and recreational hub, (Proposal 2 (B) and Policy KSS2b).
98. A criterion in the NPPF requires a Local Green Space to be demonstrably special to a local community and hold a particular local significance. At present, these sites are open spaces. If these sites are developed as proposed, it is likely that they may meet this criterion. Until such time as they are developed, they do not.
99. The NPPF states that Local Green Spaces should only be designated when a plan is prepared or reviewed. Therefore, it is not appropriate to include the last sentence of Policy R.1, which pre-allocates public open space on sites allocated in the Plan as Local Green Space. They will have to be assessed against the criteria in the NPPF in a review of the Plan once the sites are developed. This aspiration can be referred to in the policy intention, but should be removed from the policy itself.
100. The remaining sites on the list in Policy R.1 are existing green areas, which, from my observations when I viewed the sites, meet the criteria in the NPPF for designation as Local Green Space. In the interest of clarity, these Local Green Spaces need to be identified on the Development Proposals Map.
101. Southern Water has requested reference to the need to allow essential infrastructure in designated Local Green Space. The NPPF states that local

communities will be able to rule out new development on Local Green Spaces other than in very special circumstances. These very special circumstances are not defined in the NPPF and it is not for me to decide whether essential infrastructure constitutes very special circumstances.

102. **Recommendation: identify Local Green Spaces on the development proposals map. Delete reference in the policy to land to the north east of Growers Green/Bramley Close and land to the south of Townfield and Cornwood. Delete the last sentence. Include a sentence in the intention to the policy to read as follows: ‘any public open space to be provided as part of the site specific policies in this plan shall be considered for designation as Local Green Space in a review of this plan if they meet the criteria in the NPPF.’ These modifications would meet the Basic Conditions.**

Policy R.2 – Existing and Allocated Open Space

103. This policy initially refers to paragraphs 76-78 in the NPPF with regard to Local Green Space then proceeds to replicate paragraph 74 in the NPPF with regard to existing open space, sports and recreation buildings and land.
104. In the NPPF, Local Green Space is afforded greater protection than existing non - designated open space. Sites to be designated as Local Green Space under Policy R.1 would be afforded this greater protection under paragraphs 76-78 in the NPPF. Any other existing open space, sports and recreation buildings and land in the Plan area would be afforded protection in accordance with paragraph 74 in the NPPF.
105. Policy R.2 causes confusion, as it appears to mix the level of protection of designated and non-designated open spaces together. This does not have appropriate regard to the NPPF and therefore does not meet the Basic Conditions.
106. **Recommendation: in the interest of clarity and as the levels of protection for open space are defined in the NPPF, I recommend the deletion of Policy R.2.**

Policy R.3 – Public Rights of Way and Policy R.4 – Catering for Cyclists and Pedestrians.

107. The SDNP Authority exists with two purposes and one duty, in accordance with the Environment Act (1995). Purpose 2 is *to promote the opportunities for public enjoyment and understanding of the special qualities of the National Park*. The SDNP Authority has requested reference in Policies R.3 and R.4 to the positive benefits of Public Rights of Way in allowing residents and visitors to enjoy the special qualities of the National Park. I consider that such references would ensure that regard has been made to national policy in the Environment Act (1995).

108. Reference is made in Policy R.3 to ‘the satisfaction of officers.’ Planning decisions are made by local planning authorities. As there are two planning authorities in the Neighbourhood Development Plan area, it is necessary to amend Policy R.3 to refer to ‘the relevant local planning authority.’
109. **Recommendation: to meet the Basic Conditions I recommend Policy R.3 is amended as follows:**

*Within the Plan Area, existing public rights of way and means of public access, provide a high level of amenity value, and will be protected, and where possible enhanced, by development. In the event that a Public Right of Way crosses a proposed development site, the proposal will not be supported unless it can be demonstrated to the satisfaction of **the relevant local planning authority** that either the current course of the right of way can be retained or that any diversion would not result in any adverse impact on residential amenity, the safety of the general public, **or the enjoyment of the special qualities of the National Park by residents and visitors.***

110. **Recommendation: to meet the Basic Conditions I recommend ‘and contribute towards the enjoyment of the special qualities of the National Park by residents and visitors’ is inserted at the end of Policy R.4.**

Policy R.6 – Equestrian Facilities and Energy Policy E.1 – Renewable Energy

111. Reference is made to conformity with the Environmental Policies in the Plan. It is not clear whether this only refers to the Environmental Management Policies. In the interest of clarity and in particular, to ensure that the policies regarding the SDNP Authority area are taken into consideration, I recommend that ‘Environmental’ is removed from both Policies R.6 and E.1. This will ensure that conformity is with all appropriate policies in the Plan.
112. **Recommendation: Policy R.6 deletion of ‘Environmental.’**
113. **Recommendation: Policy E.6 deletion of ‘Environmental.’**

Additional Policy

114. Southern Water has requested a new policy regarding the provision of infrastructure. The development plan currently seeks to ensure the provision of adequate infrastructure in saved Local Plan Policy BE11. Therefore, it is not necessary to include the suggested policy in this Neighbourhood Development Plan.

Kirdford Site Specific (KSS) Policies

115. Section 3 in the Plan sets out community proposals and proposals maps. During the consultation period, those commenting on the Plan indicated

confusion surrounding the intent and statutory weight of the community proposals. This was not helped by the repetition of some proposals in the site specific policies at paragraph 4.8 further into the Plan and in some cases; there is a contradiction between proposals and site specific policies.

116. The Plan has to be deliverable and therefore has to be clear in its intentions. I note that Section 3 is seen as a cohesive community action plan that sets out how all of the aspirations of the people of Kirdford, expressed during the consultation process, can be translated into reality. As such, there is resistance to this Section being removed from the main body of the Plan.
117. I have given this matter considerable thought. I do not consider the most appropriate way forward is to include an explanatory paragraph at the beginning of Section 3 outlining the status of the proposals, as there would still be duplication and contradiction with site specific policies further into the Plan.
118. I recommend that land use proposals in Section 3 are incorporated into a new Section with the site specific policies. The new Section would be titled 'Site Specific Land Use Policies.' This new Section should be placed within the Plan directly after the 'Policies' Section which should be re-titled 'General Land Use Policies.'
119. The site specific maps in Section 3 can be incorporated into this new Site Specific Land Use Policies Section for each allocated development site. They should be clearly labelled as being for illustrative purposes only and amended where appropriate to remove reference to elderly accommodation and work/live units.
120. Section 3 includes non - statutory community aspirations for some of the allocated development sites. These can be incorporated into the new Site Specific Land Use Policies Section after each land use policy where appropriate. They should have the title 'non - statutory community aspirations' and be written in a distinctly different type face to the land use policies to ensure that they do not appear as part of policy. This will provide one reference point for each allocated development site and will provide a clear distinction between land use policy and community aspirations.
121. There should be an introductory paragraph at the beginning of this new Section to explain that planning applications will be determined against the land use policies only and the illustrative maps and non - statutory community aspirations are provided as non-statutory background.
122. The remaining non-land use proposals in Section 3 should be incorporated into the Action Plan as 'non - statutory community aspirations', to be referred to later.

123. In the interest of clarity, illustration 7 should have the title 'Land Use Development Proposals' and the Table of Objectives after Policy KSS5 should be deleted.
124. I realise this approach requires a certain amount of editing of the Plan. It is important that the Plan is written by the local community. Therefore, I urge that the Parish Council has a major input into this editing. This way, the integrity of the Plan and the aspirations of the community can be retained. This does have the added advantage of enabling repetition and contradictions to be removed and the removal of specific references to work/live units and housing for older people from the text and site-specific maps.
125. **Recommendation: in the interest of clarity and deliverability, I recommend that land use proposals in Section 3 are incorporated into a new Section with the site specific policies to be titled 'Site Specific Land Use Policies.'** This new Section should to be placed within the Plan directly after the 'Policies' Section which should be re-titled 'General Land Use Policies.' My suggested general editing details are outlined above.

Total Housing Numbers

126. There is not an up-to-date strategic policy against which to assess the overall housing figures. Draft Policy 5 in the emerging Local Plan states an indicative figure of 60 dwellings for Kirdford Parish during the period 2012-2029. I realise that this figure may be subject to alteration through the Local Plan Examination. It is not for me to pre-judge the outcome of that Examination. I understand that the indicative figure of 60 dwellings has been derived following assessment of the housing potential and capacity of each Parish. I realise that the Local Plan period is to 2029, rather than 2028 in this Neighbourhood Development Plan. Nevertheless, from the evidence before me, I consider the indicative housing figure provides me with the best guidance on total housing numbers for the Kirdford Parish area.
127. At the end of Section 3 in the Plan, reference is made to a total provision of between 62-76 dwellings during the plan period. In the same paragraph in Section 3, a total provision of between 53-65 units is stated. This does cause confusion.
128. Site specific allocations in Policies KSS1, KSS2a, KSS4 and KSS5 are expressed either as a range of number of dwellings or as a minimum. The minimum allocated on these sites totals 61 dwellings. Where there are a minimum number of dwellings referred to in policies, the upper limits are referred to in the accompanying *objective and intention* and/or in Section 3. This does cause confusion.
129. Reference is made in Section 3 to possible constraints due to current sewage plant capacity and the need to provide community and commercial facilities. Southern Water has stated that the capacity of the current environmental

permit at Kirdford treatment works should not be seen as a constraint to development.

130. To ensure flexibility and avoid confusion, I recommend that reference to upper limits in the supporting text to the allocated sites in Policies KSS1 and KSS5, are removed from the Plan.
131. The minimum of 61 dwellings allocated in the site specific policies is in accordance with emerging Local Plan policy and allows for flexibility should the indicative figure in the emerging Local Plan increase. I consider this approach has regard to the NPPF and thus meets the Basic Conditions.
132. **Recommendation: in order to avoid confusion and to ensure flexibility, I recommend deletion of upper limits where mentioned in the accompanying text to Policies KSS1 and KSS5 and in Section 3. I recommend deletion of the Summary in Section 3. A new paragraph at the beginning of the new Section 'Site Specific Land Use Policies' should explain that the minimum number of dwellings allocated on these sites is 61. The maximum numbers will be determined on a site - by site basis, taking into consideration site constraints and emerging Local Plan Policy.**
133. I make comment on the site specific policies having regard to my comments above.

Policy KSS1 – Land to the north of Kirdford Growers

134. Banner Homes Ltd has indicated that the site has capacity for 80 dwellings and has objected to references to phasing and to the identification of the adjacent reserve site on the football field.
135. I consider that the figure of a minimum of 45 dwellings in this policy allows a flexible approach, taking into consideration site constraints. Reference to a 1-10 year phased timescale is found in the Monitoring Section under 'Delivering the Plan'. This is not part of Policy KSS1, which only specifies a phased development. The reserve site is not specified in Policy KSS1 and the Plan is not reliant on the relocation of the football field to meet indicative emerging housing requirements. As explained above, I am satisfied that the flexible approach meets the Basic Conditions. Thus, I see no requirement to make the modifications suggested by Banner Homes Ltd with regard to Policy KSS1.
136. Southern Water has requested reference within the policy to the need to connect to the sewerage system at the nearest point of capacity. The development plan currently seeks to ensure the provision of adequate infrastructure in saved Local Plan Policy BE11. Therefore, it is not necessary to include a reference in Policy KSS1.

137. **Recommendation: remove reference to housing for older people and work/live units. Incorporate relevant parts of the text and site specific proposal map from Proposal 1(A) into the preceding ‘objective and intention’. Remove upper limit on housing figures in the accompanying text.**

Policy KSS2a – Land at the southeast corner of Townfield

138. **Recommendation: remove reference to work/live units. Incorporate relevant parts of the text and site specific proposal map from Proposal 2(B) into the preceding ‘objective and intention’.**

Policy KSS2b – Land at Townfield

139. **Recommendation: remove the last paragraph with regard to Local Green Space. Incorporate relevant parts of the text and site specific proposal map from Proposal 2(B) into the preceding ‘objective and intention’.**

Policy KSS3 – Land at the junction of Plaistow Road

140. This site is proposed for employment purposes. As such, any development for work/live units would not undermine the deliverability of residential development within the Plan area. On this basis, reference to work/live units can be retained. For clarity, there should be a cross reference to Policy H.4.
141. **Recommendation: incorporate relevant parts of the text and site specific proposal map from Proposal 11(A) into the preceding ‘objective and intention’. Re word the second paragraph as follows:**

*The redevelopment of the site with an element of Work/Live Units will be considered **in accordance with Policy H.4**, provided it can be demonstrated that there will be no detrimental impact to the amenity of future residents.*

Policy KSS4 – Land at Village Hall

142. **Recommendation: incorporate relevant parts of the text and site specific proposal map from Proposal 14(A) into the preceding ‘objective and intention’. Remove the incorrect reference to Policy TR.2 and replace with Policy DS.3.**

Policy KSS5 – Land at Cornwood and/or School Court

143. **Recommendation: remove reference to elderly person’s housing. Incorporate relevant parts of the text and site specific proposal map from Proposal 15(A) into the preceding ‘objective and intention’. Remove upper limit on housing figures in the accompanying text.**

Section 5 Action Plan

144. Following my comments above, Policy CP2 and the remaining non-land use proposals in Section 3 should be incorporated into this Section. For clarity, this should now have the title: 'Non - Statutory Community Aspirations and Action Plan.'
145. **Recommendation: to meet the Basic Conditions I recommend that Policy CP2 and the non-land use proposals in Section 3 are grouped together in the Action Plan. This Section should have a new title 'Non - Statutory Community Aspirations and Action Plan.'** The title of each proposal should include the wording 'Non - Statutory Community Aspiration'. A preceding paragraph should remind readers that these are community aspirations and not land use policies. It should make clear that these non-statutory community aspirations are not part of the development and land use policies in the Plan and do not go forward to referendum.

Section 6 Monitoring & Delivery

146. The Monitoring and Delivery Section includes a table of proposals and, the mechanisms for their delivery.
147. **Recommendation: remove reference to elderly homes in Proposal 15 to comply with my previous recommendations.**

Referendum and the Kirdford Parish Neighbourhood Development Plan Area

148. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
149. **I am pleased to recommend that the Plan as modified by my recommendations should proceed to Referendum.**
150. I am required to consider whether or not the Referendum Area should extend beyond the Kirdford Parish Neighbourhood Development Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.

Summary and Conclusion

151. I have recommended various modifications to the Plan. These include the deletion of the Issues and Objectives in Section 2. I have recommended combining the land use proposals from Section 3 and the site specific land use policies into a new Section. I have recommended that the remaining non-land use proposals are clearly described as non - statutory community aspirations and are separated from the land use policies.
152. I have recommended modifications to a number of policies. In particular, I have not found robust and credible evidence to support the policy approach to local occupancy conditions for market housing, the requirement for the provision of dwellings for older people and the requirement for the provision of work/live units. I have recommended removal of references to these requirements from the site specific policies for allocated residential development sites. However, this does not preclude developers from proposing development for older people and work/live units on these sites.
153. My recommendations ensure that the Plan meets the Basic Conditions. Subject to my recommendations being accepted, I consider that the Kirdford Parish Neighbourhood Development Plan will provide a strong practical framework against which decisions on development can be made.

Minor Amendments

154. These suggested minor amendments are for Kirdford Parish Council and CDC to incorporate if they wish. They are not formal recommendations and have no bearing on whether the Plan meets the Basic Conditions.
155. I have found discrepancy within the Plan with regard to the Plan's title. Some paragraphs and policies refer to the Neighbourhood Plan Area and others to the Neighbourhood *Development* Plan Area. The title of the Plan is the *Kirdford Parish Neighbourhood Development Plan*. For consistency, I recommend that all references include 'Development' in the title and the Plan is abbreviated as KPNDP. I do not intend to highlight these individual references, as this is an editorial matter.
156. Some policies are written in italics, others are not. It would be helpful if there is a continuity of style.
157. I have concentrated on ensuring that the policies meet the Basic Conditions. There may be amendments required to the accompanying text as a result of my suggested policy amendments. I have highlighted these to some extent, but some editing may be required to ensure consistency with policies and numbering. In particular, editing is required in the Introduction Section under 'Purpose of the Neighbourhood Plan' and 'The Plan Area'.

158. Following my recommendations with regard to the proposals in Section 3, it may be appropriate to remove the numbering of proposals altogether from the Plan. If so, they would need to be removed from the 'Delivering the Plan' table in the Monitoring and Delivery Section.

A handwritten signature in black ink that reads "Janet Cheesley". The signature is written in a cursive style with a large initial 'J'.

Janet Cheesley

Date 8 January 2014

Appendix 1 Background Documents

Legislation

The National Planning Policy Framework (The Framework) (2012)

The Planning and Compulsory Purchase Act 2004

The Localism Act (2011)

The Neighbourhood Planning Regulations (2012)

Statutory and Core Documents

Kirdford Neighbourhood Plan 2013

Kirdford NP Basic Conditions statement 2013

Kirdford NP consultation Statement March 2013

Kirdford NP Sustainability Appraisal April 2013

Chichester District Council 1999 Local Plan saved policies including August 2011 status of Development Plan documents doc, and Chichester District Public Art Strategy.

Chichester District Local Plan Key policies pre submission November 2013

Chichester District Local Plan preferred options document April 2013

Coastal West Sussex SHMA – Chichester District summary.

Interim Policy Statement on Housing – Facilitating Appropriate Development Effective 20 July 2011 (Updated January 2012, July 2012 and 9 October 2012 by Council)

Interim Policy Statement on Planning and Climate Change June 2013

Interim Statement on affordable housing September 2007

FAD –Council resolution.

Chichester District Council – Allocation scheme July 2013

Saved Policies report June 2012

SDNP Documents

English National Parks and the Broads Circular 2010 (Defra)

South Downs National Park Management Plan – the Partnership Management Plan 2014-2019 Draft

South Downs Local Development Scheme February 2013

South Downs National Park Housing Requirements Study: Final Report October 2011

coastal West Sussex SHMA – South Downs National Park summary

South Downs Employment Land Review May 2012

South Downs National Park Renewable and Low Carbon Energy Study – Scoping Report August 2012

South Downs National Park Renewable and Low Carbon Energy Study – Main Report May 2013

Kirdford Evidence Base Documents

Kirdford Parish ‘a sense of place’

Kirdford Parish ‘a sense of community

Kirdford parish ‘a sense of the countryside’

Kirdford ‘a framework plan for the future’

Kirdford Village Design Statement July 2011

Core documents:-

CD-001 Survey Questionnaire 2010

CD-002 Survey Analysis & Report 2010

CD-003 The Glasshouse Report – Independent Facilitator & Process 2011

CD-004 Schedule of community events and workshops 2010-11

CD-005 Yes Publication ‘The case for including Kirdford in the South Downs National Park 2008’

CD-006 KPNP Business Survey 2012

CD-007 KPNP Business analysis & report 2012

CD-008 CDC Local Housing Need Summary 2012

CD-009 CDC LPA -Saved Policies, Local Plan 1999

CD-010 SDNP-Statement of Objectives and Development Plan Information

CD-011 WSCC Biodiversity Report 2012

CD-012 Consultations

CD-013 Consultee responses

CD-014 Prince's Foundation Workshop report – Vision & Objectives planning 2012

CD-14a Princes Foundation Workshop Briefing Document

CD-15 CDC Housing Allocation Consultation response 2012

CD-016 West Weald Landscape Project

CD-017 KPNP Sustainability Assessment 2012

CD17a Draft Sustainability Appraisal Framework

CD-018 Glossary of Terms and Abbreviations

CD-019 KPNP Development Plan Public Exhibition Consultation Responses

CD-020 Requirement to Conform with LPA's Local Plan-Report

CD-021a KPNP Site Appraisals MAP

CD-021b KPNP Site Appraisals Tables

CD-022 Consultation Statement

CD-023 KPNP Area Designation

CD-24 KPNP Statement on New Housing Numbers & Allocation

CD-24 Appendix 1 PC Cover letter Chichester District Council Housing No. Survey

CD-24 Appendix 2 A Rollinson PC Response to CDC

CD-24 Appendix 3 Parish Housing Numbers Consultation – Letter to Kirdford

CD-24 Appendix 3a Kirdford Key Facts

CD-24 Appendix 3b Parish Housing Numbers Consultation – Housing Numbers Table

CD-025-CPRE-NALC report

CD-26 Consultation Letter

CD-027 Prince's Foundation Advisory Report Kirdford NDP March 2013[1]

CD-028 June 2013 Kirdford Parish Housing Need

CD-29 Kirdford Parish Loss of Small Dwellings

Kirdford Live-work evidence listed in plan / web pages www.liveworknet.co.uk & www.liveworkhomes.co.uk

Regulation 16 Responses

Response from Anthony Brooks Local resident

English Heritage response

Chichester District Council – Homes and Communities

Chichester District Council – Environmental Team

Chichester District Council – Communities Team

Chichester District Council – Development Management

Chichester District Council – Policy

Chichester District Council – Sports and Leisure

Paul White Genesis Planning

Ian Campbell Local Resident

Environment Agency

Highways Agency

Horsham District Council

Sara Holmes Local resident

Natural England

South Downs National Park

Southern Water

Maroon Planning's response to the Regulation 16 consultee responses.

Kirdford Regulation 14 Responses

South Downs National Park

Chichester District Council – Planning Policy

Chichester District Council – Planning Policy / Development management

Chichester District Council – Housing

West Sussex County Council – Education

Chris Banks

Horsham District Council

English Heritage

Highways Agency

Southern Water

Genesis Town Planning

Environment Agency

Natural England

Chichester District Council Planning with Kirdford's response

Simon Jones

Appendix C

NEWICK NEIGHBOURHOOD PLAN

“Newick Now to 2030”

A Report to Lewes District Council
of the Examination into the Newick Neighbourhood Plan

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

Nigel McGurk

Erimax Land, Planning and Communities

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December 2014

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6. The Neighbourhood Plan - Policies

- **Environment**
- **Housing**
- **Local Economy**
- **Transport and Communications**
- **Community Facilities**

7. Summary

8. Referendum

1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Newick Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the ability to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

Newick Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

Newick Parish Council established a Neighbourhood Plan Steering Group, comprising six Parish Councillors, to lead on the production of the Neighbourhood Plan. The Neighbourhood Plan is one of the earliest neighbourhood plans to come forward in East Sussex.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Lewes District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Newick Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Lewes District Council, with the consent of Newick Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and am an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

¹The qualifying body is responsible for the production of the Plan.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Newick Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the 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;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title of the Neighbourhood Plan sets out that it runs to 2030. I find that it would add clarity if there was also a clear reference to the plan period at the beginning of the Neighbourhood Plan. I recommend:

- **Foreword, first sentence to read “The Newick Neighbourhood Plan covers the period from 2015 to 2030.”**

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

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.

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.

Further to consideration of the written representations submitted, I confirmed to Lewes District Council that I was satisfied that the Newick Neighbourhood Plan could be examined without the need for a Public Hearing.

From consideration of the evidence before me, I am satisfied that people have had a fair chance to put a case, whether in support of the Neighbourhood Plan, in objection to it, or whether simply providing general comments about it.

I note that one representation not only states that *“this is a case that would be suitable for a hearing”* but goes on to set out an Agenda for a hearing, together with information dictating how it should be run.

With apologies for repetition, legislation is not unclear in this regard. A hearing should be held *when the Examiner considers it necessary*.

2. Basic Conditions and Development Plan Status

Basic Conditions

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. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

EU and ECHR Obligations

The Basic Conditions Statement submitted with the Neighbourhood Plan states that it does not breach, and is compatible with, all European obligations.

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. There is no substantive evidence to the contrary.

According to European legislation, a Habitats Regulations Assessment (HRA) is required when it is considered that likely negative, significant effects could occur on protected European sites as a result of the implementation of a plan or project. Much of the Neighbourhood Area falls within the 7km zone of influence for the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), a European-designated site.

A HRA Screening Report was undertaken by Lewes District Council. This found that the Neighbourhood Plan would not cause a likely significant effect to the Ashdown Forest SPA and SAC.

However, as a consequence of the location of the Neighbourhood Area in relation to the SPA, relevant development proposals must provide mitigation measures that include the provision of Suitable Alternative Natural Green Space (SANGS). In this regard, I note that the Neighbourhood Plan recognises that

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

“Sustainable Alternative Natural Green Spaces (SANGS) must be developed before any new housing is developed...” (page 8)

Consequently, the Neighbourhood Plan acknowledges that the SPA and the provision of SANGS present relevant development constraints to be taken into account. I consider the matter of carrying this acknowledgement through into Neighbourhood Plan Policy in Section 6 of this Report below.

Whilst the National Planning Policy Framework requires sustainability appraisals which meet the requirements of the European Directive on Strategic Environmental Assessment (SEA) to be an integral part of the plan preparation process, this is not a blanket requirement for neighbourhood plans. However, the Neighbourhood Plan allocates land for development and the allocation of development land comprises one of the circumstances, referred to by the Planning Practice Guidance, whereby a strategic environmental assessment (SEA) *may* be required.

An SEA Screening Report was prepared.

Lewes District Council forwarded the SEA Screening Report to statutory consultees. The Report found that there would be no significant environmental effect caused by the Neighbourhood Plan and that there was no need to carry out a full SEA.

With regards to Scoping Reports, Planning Policy Guidance states that

“a formal scoping report is not required by law but is a useful way of presenting information at the scoping stage...consultation bodies must be consulted...”
(Para 034)

Whilst an SEA was not considered to be required, a substantial (relative to neighbourhood planning) Sustainability Appraisal of the Neighbourhood Plan has been carried out. This assessed sustainability issues and formed part of the robust consultation process, fundamental to the Neighbourhood Plan, referred to below. It includes a relatively detailed assessment of twelve potential development sites, a process which itself was invigilated by a planning officer from Lewes District Council.

I note that representations have been received highlighting that it would have been possible for the potential development sites to have been assessed or “scored” differently. Whilst this may be the case, I note above that, whilst a Sustainability Appraisal is not a requirement, a substantial one has been carried out and has been subject to consultation. Furthermore, Lewes District Council had significant involvement in the process and considers that:

“Sustainability is at the heart of producing the Neighbourhood Plan. A sustainability framework was developed which helped focus policy-making with the aim of achieving sustainable development. In particular, the framework assessed potential housing sites which allowed the Parish Council to determine their most desirable

options, in terms of sustainability. The most sustainable sites, as shown in their sustainability work, were chosen as their allocations in their plan.”

Lewes District Council considers that the Neighbourhood Plan meets the basic conditions.

Taking all of the above into account, whilst I acknowledge that different people will have different views about the sustainability, or otherwise, of different sites, I am satisfied that the housing sites in the Neighbourhood Plan have emerged through a process entirely appropriate to neighbourhood planning.

In its Chapter on neighbourhood planning, SEA and sustainability appraisal, Planning Policy Guidance is clear in stating that:

“There is no legal requirement for a neighbourhood plan to have a sustainability appraisal...However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this...” (Para 026)

The Sustainability Appraisal demonstrates how the Neighbourhood Plan contributes to the achievement of sustainable development.

Whilst a representation has been submitted to the Neighbourhood Plan stating that there are breaches of the SEA and Habitats Directives, Planning Practice Guidance is explicit in stating:

“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations...” (Para 031)

Lewes District Council has decided that the Neighbourhood Plan is compatible with EU regulations.

Further to the above, English Heritage, Natural England and the Environment Agency have all been consulted, as appropriate. None of these statutory consultees to the Neighbourhood Plan have raised any objections in respect of European obligations.

In summary, Lewes District Council has, in line with the approach set out in Planning Practice Guidance, determined that the Neighbourhood Plan is compatible with EU regulations. No concerns with regards European obligations have been raised by Natural England, the Environment Agency or English Heritage.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

3. Background Documents and Newick Neighbourhood Area

Background Documents

In undertaking this examination, I have considered each of the following documents in addition to the Examination Version of the Newick Neighbourhood Plan:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Lewes District Local Plan (Adopted 2003)
- Basic Conditions Statement
- Consultation Statement
- Habitats Regulations Screening Opinion
- Sustainability Scoping Report (incorporating an SEA Screening Opinion)
- Sustainability Appraisal

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Newick Neighbourhood Area.

Newick Neighbourhood Area

The Newick Neighbourhood Area coincides with the Parish boundary. There is a helpful and clear Ordnance Survey Plan on page 3 of the Neighbourhood Plan showing the Parish boundary.

Further to an application made by the Parish Council, Lewes District Council approved the designation of Newick as a Neighbourhood Area on 1st October 2012.

This satisfied 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).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans will become the basis for planning and development control decisions.

Legislation requires the production of neighbourhood plans to be supported by public consultation. 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 successful 'Yes' vote at Referendum.

Newick Neighbourhood Plan Consultation

Newick Parish Council submitted a Consultation Statement to Lewes District Council.

In order to meet the requirements of the neighbourhood planning *regulations*³, a Consultation Statement should set out who was consulted and how, together with the outcome of the consultation. The Consultation Statement meets this requirement.

It is clear from the information submitted with the Neighbourhood Plan that a tremendous amount of consultation took place over a considerable time period. In addition, there is evidence to demonstrate that significant efforts were made, on a sustained basis, to involve a wide range of people and interested parties from the very beginning of the process.

In October 2012, invitations to a Consultation Day were delivered to all households in the Parish. Interestingly and possibly uniquely, invitations were also left with estate agents – “for potential residents of Newick.” This indicates that, from the beginning, plan-makers recognised that sustainable development incorporates sustainable growth.

Around 200 people attended the first Consultation Day and around 300 people attended a second one, some eight months later. Meetings were held with numerous groups and individuals, including landowners and developers, and local clubs and societies. Questionnaires were sent to local businesses and a meeting was held with 10-25 year olds. Notably, a debate was held at Newick School and the resulting report was taken into account by plan-makers.

The Draft Plan was consulted upon during April and May 2014. Consultation was accompanied by three events, held in two different locations and these were

³Neighbourhood Planning (General) Regulations 2012.

attended by a total of 212 people. 144 people completed questionnaires relating to the Draft Plan and these included the opportunity to “vote” on whether or not policies were supported. I note that the level of support indicated was generally high.

Comments received were considered and discussed, and agreement was reached on whether, or how, to alter the Draft Plan as a result. The conclusions reached are set out in the Consultation Statement.

I note that the above activities were supported by hand-delivered flyers, banners on the village green, email alerts and notices on the Parish Council’s website and notice boards.

The Consultation Statement and its supporting information provides evidence to demonstrate that, throughout the plan-making period, there was sustained communication, whereby people were continually updated on the progress of the plan. All relevant stages, meetings and events were well publicised.

It is evident that public consultation formed an essential part of the production of the Newick Neighbourhood Plan. Consultation was ongoing and transparent, and there were plentiful opportunities for comment, with comments duly considered and reported.

The consultation undertaken reflects the significant efforts made by all involved in the production of the Neighbourhood Plan. I am satisfied that the consultation process was significant and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics. It should be noted that changes may require the subsequent re-numbering of Policies and paragraphs in the Neighbourhood Plan.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. In this Chapter, I consider the Introductory Section of the Neighbourhood Plan. I make recommendations aimed at making it a clear and user-friendly document.

Introduction

The content of the Foreword and the Vision Statement is generally interesting and helpful.

The second paragraph contains an error along with generally unnecessary information – it is not a requirement for neighbourhood plans to conform with emerging District-wide plans.

- **Delete second paragraph**

The last paragraph on the first page relates in part to pre-examination matters and ends with an erroneous reference to “conformity.”

- **Final paragraph on first page, delete first sentence and start “*The Neighbourhood Plan will form...*”**
- **End final paragraph “*...planning applications are considered.*”**

Newick Past and Present

This is an interesting section, distinctive to Newick. It is enhanced by numerous photographs.

- **No changes proposed to this section**

Producing the Newick Neighbourhood Plan

The first part of this section is unnecessary. It simply repeats much of the content of the Consultation Statement. I find that it presents an imbalance within the

Neighbourhood Plan between background information, provided in full elsewhere, and the Neighbourhood Plan's Policies.

- **Delete all text on pages 10 to 14 inclusive. Replace with *“In accordance with legislation, this Neighbourhood Plan is supported by a Consultation Statement and a Basic Conditions Statement. A Sustainability Appraisal has also been produced. These documents and other information are available on the Parish Council website.”***

What the Community Wants

This section is more relevant and appropriate for inclusion, as it provides a direct link between the consultation undertaken and the Policies of the Neighbourhood Plan.

- **No changes proposed to this section**

The Neighbourhood Plan – Policies

The Policy section begins by setting out the Neighbourhood Plan's Objectives. It provides a helpful follow-on from the preceding section and an appropriate introduction to the Policies that follow.

The final paragraph of this introductory section refers to "most" Policies of the Neighbourhood Plan being "land use policies." However, there is no scope for the Neighbourhood Plan to include non-land use policies. Consequently, none of the proposed Policies labelled "(Parish Council)" Policies should form Policies of the Neighbourhood Plan.

Rather than lose sight of these non-land use "policies," which reflect community aims and aspirations, I recommend the following:

- **Replace all "(Parish Council) Policies" (for reference, EN5, EN6, TC3, TC5, TC6 and CF3) with the heading "*Community Action.*" (Thus, "*Community Action EN5, Community Action EN6*" etc)**
- **For clarity, the above "Policies" will not comprise Neighbourhood Plan Policies, but will be "Community Actions."**

Environment

Policy EN1

The Framework protects local character (para 17). Also, in seeking to protect local character, the policies of the Lewes Local Plan conform to the Framework. Consequently, in seeking to protect local character, Policy EN1, has regard to national policy and is in general conformity with the strategic policies of the Lewes Local Plan.

However, the Policy states that a “green gap” should be maintained without providing any reference or detail with regards what this green gap comprises, or where it is located. This fails to have regard to paragraph 154 of the Framework, which requires policies to provide a clear indication of how a decision maker should react to a development proposal.

- **Policy EN1, delete that part of the second sentence stating “...and the green gap...should be maintained.”**

The Policy goes on to refer to the character assessment, but fails to provide an appropriate reference in the Policy. Furthermore, it requires all areas identified in the character assessment as valued landscapes and visual amenities to be “protected and enhanced.” This introduces a requirement significantly more onerous than anything contained in national or local strategic planning policy. In addition, no clarity is provided with regards how, or even whether, such landscapes and amenities should, or can, be enhanced. Consequently, this part of the Policy fails to meet the basic conditions.

- **Policy EN1, delete final sentence**

Policy EN2

The wording of Policy EN2 is unclear, as there is no indication of when it would, or would not, be “possible” to protect and enhance wildlife opportunities. To make the Policy clearer, I recommend:

- **Policy EN2, re-word “*The protection and/or enhancement of wildlife opportunities by retaining...verges to roads, will be supported.*”**

Subject to the above, Policy EN2 has regard to the Framework, which supports biodiversity and contributes to the achievement of sustainable development.

Policy EN3

Again, the wording of this Policy is unclear – there is no indication of how new developments can “take advantage” of footpaths and twittens or any definition of “wherever possible.” However, the intention of the Policy is clear and has regard to the Framework, which promotes sustainable patterns of movement. I recommend:

- **Policy EN3, re-word “*The extension of the existing network of footpaths and twittens will be supported.*”**

Policy EN4

As worded this Policy effectively requires the provision of cycle paths everywhere. Its wording is unclear. However, its intention has regard to the Framework, which promotes sustainable patterns of movement. I recommend:

- **Policy EN4, re-word “*The provision of cycle paths will be supported.*”**

Subject to the above, Policy EN4 meets the basic conditions.

Housing

The introduction, or supporting text, to this section is simply wrong. It states that the Neighbourhood Plan has to accord with the allocation of housing in the emerging Local Plan. This fails to reflect national legislation.

Much of the supporting text goes on to include wording set out as though it were a series of Policies, stating what “should” occur and so on. For clarity, supporting text is not the same thing as a Policy. Furthermore, much of the rest of the supporting text simply repeats information set out earlier in the Plan.

The supporting text to the housing section appears poorly thought out and is inappropriately worded. It detracts from the Neighbourhood Plan.

- **Delete all text on pages 22 and 23**

It is not my role as an Independent Examiner to re-write the supporting text of neighbourhood plans. I note that earlier information in the Neighbourhood Plan provides some relevant supporting information to the housing section. I recommend:

- **Replace deleted text (above) with a brief paragraph summarising the earlier housing-related information in the Neighbourhood Plan**

Policy HO1

In seeking to protect local character, Policy HO1 has regard to national policy and guidance, and is in general conformity with the strategic policies of the Lewes Local Plan. In this way, it contributes to the achievement of sustainable development.

The final sentence of Policy HO1.1 states that a Design Guide covering an area within which the Neighbourhood Area is not located “shall be used to determine what is good design.” Whilst I acknowledge that there are some similarities between the Neighbourhood Area and Wealden, it is inappropriate for the Neighbourhood Plan to use guidance specific to another District to “determine” applications.

- **Policy HO1, delete final sentence of HO1.1**

Generally, parts HO1.2 to HO1.5 protect local character whilst allowing for flexibility. I note that part HO1.6 states that the construction of homes in gardens will not be supported, but that it does not, in itself, prevent such development from going ahead where it may, for example, be sustainable. However, part HO1.7 does seek to prevent housing development being equipped with street lighting. No evidence is presented to demonstrate that such an approach would be safe or appropriate in all circumstances and consequently, HO1.7 fails to have regard to the Framework,

which seeks to secure a good standard of amenity (para 17) and safe environments (para 58).

- **Policy HO1, delete HO1.7**

I note above that the Neighbourhood Plan recognises the need to provide SANGS. As a consequence of the location of the Neighbourhood Area in relation to the Ashdown Forest SPA, relevant development proposals must provide mitigation measures to be delivered prior to occupation and in perpetuity. Any such measures should include the provision of Suitable Alternative Natural Green Space (SANGS).

It is not the role of a neighbourhood plan to set policy requirements for matters that need to be considered on a more strategic basis. The Neighbourhood Plan does not, in itself, seek to allocate SANGS, but it does highlight the need for them. I consider that, in the interest of clarity, it would be appropriate to set this out within Policy HO1.

- **Policy HO1, add *“HO1.7 Due to the Neighbourhood Area’s location, relevant development proposals must provide mitigation measures to be delivered prior to occupation of the development and in perpetuity. Measures should include the provision of Suitable Alternative Natural Green Space (SANGS).”***

I note that there is no substantive evidence to demonstrate that it would not be possible to meet the proposed requirements resulting from the above. I also note in this specific regard that Lewes District Council is working towards the provision of SANGS and that this is recognised within the Neighbourhood Plan.

Policies HO2 to HO5

Policies HO2 to HO5 refer to the “planning boundary.” I found this to be a confusing reference, but I note that this term is referred to in Local Plan policy CT1. For clarity, I recommend the introduction of the following explanation:

- **Under the heading “Housing Policies, add: *“The term “planning boundary” referred to in the following policies reflects terminology used in the Lewes District Local Plan and relates to the settlement boundary.”***

Together, Policies HO2 to HO5 set out very specific months and years for the “movement” of boundaries to incorporate housing allocations. There is no evidence to demonstrate that, without the proposed phasing, the release of the allocated sites for development would fail to comprise sustainable development. I find that such an approach fails to have regard to the Framework, which is clear in its requirement for sustainable development to go ahead, without delay (Ministerial foreword).

Further to the above, setting specific time slots, as the Neighbourhood Plan seeks to do, would severely limit its ability to be flexible. In this regard, I also note that the housing allocations provide for affordable housing. The Framework requires affordable housing policies to be sufficiently flexible to take account of changing market conditions over time (para 50).

Taking all of the above into account, I find that the housing allocation Policies HO2 to HO5 fail to have regard to the Framework and consequently, do not meet the basic conditions. However, this is a matter that can be remedied by the following recommendations:

- **Policy HO2, re-word Policy HO2.1 “This 1.39 hectare site is allocated for housing.”**
- **Policy HO3, re-word Policy HO3.1 “This 1.23 hectare site is allocated for housing.”**
- **Policy HO4, re-word Policy HO4.1 “This 1.94 hectare site, including buffer zones requiring tree and shrub planting, is allocated for housing.”**
- **Policy HO5, re-word Policy HO5.1 “This 0.1 hectare site is allocated for housing.”**
- **Page 22, second paragraph, delete last sentence (which refers to “the required 100 homes”)**

Subject to the above, Policies HO2 to HO5 provide for the delivery of a wide choice of high quality homes, having regard to the Framework. In so doing, the Policies contribute to the achievement of sustainable development. Whilst I note that site HO4.1 is currently in commercial use, there is no evidence to demonstrate it cannot come forward during the Neighbourhood Plan period.

Representations have been received highlighting that the Neighbourhood Plan “only” plans for 100 houses. However, this is not the case. The Neighbourhood Plan helpfully includes specific allocations for housing. This provides for a high degree of certainty with regards the delivery of around 100 houses. Nowhere does the Neighbourhood Plan seek to place a cap, or a maximum limit on the number of dwellings to be built in the Neighbourhood Area during the plan period. This approach has regard to the Framework’s presumption in favour of sustainable development.

I consider that Southern Water have submitted a helpful representation in respect of sewerage capacity, having regard to the Framework's requirement for development to be supported by the co-ordinated provision of appropriate infrastructure (para 7). In the light of this, I recommend the following:

- **Add bullet point to each of Policies HO2, HO3 and HO4: *“Development should provide a connection to the nearest point of adequate capacity in the sewerage network.”***

The Local Economy

The supporting information for this section of the Neighbourhood Plan is informative and sets the scene for the Policies that follow.

Policy LE1

This Policy supports the expansion of retail and business premises, subject to respecting local character. This has regard to the Framework, which supports a prosperous rural economy (Chapter 3) and promotes the growth and development of all types of businesses and local services in rural areas (para 28). Policy LE1 contributes to the achievement of sustainable development. It meets the basic conditions.

Policy LE2

Policy LE2 supports the development of industrial units at the site of the former milk processing plant. This has regard to the Framework's support for the growth of business in rural areas (para 28). The Policy goes on to support such development "on any other suitable site" but does not define "suitable." Consequently, this part of the Policy is unclear and fails to have regard to paragraph 154 of the Framework, which requires policies to provide clarity for decision makers.

- **Policy LE2, delete "...and on any other suitable site..."**

Subject to the above, Policy LE2 meets the basic conditions.

Policies LE3 and LE5

Policies LE3 and LE5 are vague and simply state a preference. They do not set out what would happen should this preference not be reflected in a planning application. The Policies do not provide decision makers with clarity and thus fail to have regard to paragraph 154 of the Framework. They do not meet the basic conditions.

- **Delete Policies LE3 and LE5**

Policy LE4

This Policy supports the appropriate provision of home working facilities. It has regard to the Framework, which recognises that reducing the need to travel can form part of a sustainable approach to movement (Chapter 4); and which states that

planning is a creative exercise in finding ways to enhance and improve the places in which people live their lives (para 17). It meets the basic conditions.

Transport and Communications

This supporting text to this section sets out local views concerning transport and communications.

Policy TC1

Whilst this Policy seeks to limit the impact of traffic resulting from development, it is confusingly worded. For example, it suggests traffic calming as a means of avoiding additional traffic. It goes on to require provision of an “adequate” amount of parking space, but does not indicate what this might be. Taking all of this into account, I find that Policy TC1 fails to have regard to the Framework’s requirement for policies to provide decision makers with clarity (para 154). It fails to meet the basic conditions.

- **Delete Policy TC1**

Policy TC2

The Framework states that the transport system needs to be balanced in favour of sustainable transport modes (para 29) and promotes public transport, walking and cycling (para 17). Policy TC2 encourages sustainable modes of transport and promotes opportunities for walking and cycling. It meets the basic conditions.

Policy TC4

This Policy requires all developments to be designed to accommodate broadband. This would create a situation where, for example, the replacement of double glazing in a listed building would be required to be designed to accommodate broadband. Consequently, the Policy makes little sense. Furthermore, no indication is given as to how a design should “accommodate broadband.” Is this the same as requiring all development to provide a telephone point ?

The Policy is not clear and fails to have regard to paragraph 154 of the Framework.

- **Delete Policy TC4**

Community Facilities

The supporting information to this section provides interesting background. The second part of the final paragraph is written as though it is a Policy, which is not the case.

- **Delete second part of final paragraph in the supporting text on page 34, from “The 2003 Local Plan...recreational use.” Also, delete the unclear “blue blob” on the plan underneath the text showing the location of existing playing fields.**

Policy CF1

Policy CF1 safeguards widely recognised community facilities. This Policy has regard to paragraph 28 of the Framework, which promotes the retention and development of community facilities in villages, such as meeting places, sports venues and cultural buildings.

Taking the above into account, the Policy contributes to the achievement of sustainable development, the social role of which – in supporting strong, vibrant and healthy communities – is recognised by national policy.

Policy CF1 meets the basic conditions.

Policy CF2

This Policy supports the provision, or enhancement, of footpaths and the provision of play areas and/or allotments. It has regard to national policy, which recognises that supporting strong and healthy communities by providing a high quality environment forms an important part of sustainable development.

Policy CF2 contributes to the achievement of sustainable development and meets the basic conditions.

8. Summary

The Newick Neighbourhood Plan is the result of a major, sustained community effort. It demonstrates a passion for neighbourhood planning.

Further to consideration of its Policies against the basic conditions, I have recommended a number of modifications to the Neighbourhood Plan.

Subject to these modifications, the Newick Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Newick Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Lewes District Council that, subject to the modifications proposed, **the Newick Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the Newick Neighbourhood Area. In this regard, I acknowledge Lewes District Council's comment that the Neighbourhood Plan has attracted particular interest from residents of the eastern part of Chailey Parish, adjacent to, but outside, Newick's western boundary.

During my site visit, I travelled around the Neighbourhood Area and found there to be various nearby communities outside but close to the Neighbourhood Area. Whilst I note that there has been interest from outside the Neighbourhood Area, this is not an unusual circumstance. I see no reason to include some people who may live nearby to the Neighbourhood Area, but not others.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence before me to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Newick Neighbourhood Area as approved by Lewes District Council on 1 October 2012.

Nigel McGurk, December 2014
Erimax – Land, Planning and Communities

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