



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

Lewes District Council

Response to Inspector's Questions

Matter 9

March 2019

Matter 9 – Development Management, Uncertainties and Risk?

Inspector's Question

9.1 Development Management: Should the Plan provide sufficient guidance to cover aspects of development management which are not explicitly covered in the development plan?

LDC Response

- 1.1 The development management policies set out in Section 4 of the Local Plan Part 2 aim to:
- provide the necessary direction to ensure that new development helps to achieve the spatial vision and strategic objectives set out in the Local Plan Part 1
 - address local issues which are relevant to the achievement of sustainable development but which are not sufficiently dealt with by the policies of the Local Plan Part 1 and the NPPF
 - replace the remaining 'saved' policies of the Lewes District Local Plan 2003 (i.e. those policies not carried forward by the Local Plan Part 1)
- 1.2 The Local Plan Part 1 sets out the strategic policies for Lewes District, whilst the Local Plan Part 2 contains the more detailed (non-strategic) policies to guide development and change for the areas of the district outside the South Downs National Park. Their purpose is to provide a consistent approach to the assessment of planning applications and to help provide clarity to applicants about the Council's expectations in respect of achieving sustainable development.
- 1.3 In some instances, the Local Plan Part 1 (CD0031) specifies the requirement for additional development management policies, e.g. to address the development of rural exception sites (Core Policy 1) and the provision of camping and caravan sites (Core Policy 5). However, as part of the preparation of the Local Plan Part 2, the Council made a full assessment of the extent to which all the strategic policies in the Local Plan Part 1 may need to be supplemented by more detailed policies to guide decision-taking.
- 1.4 The Council is confident that it has identified all the local planning issues where further elaboration is required in order to provide a proper basis for development management decisions. As a part of the preparation of the Local Plan Part 2, a full review of the relevance and effectiveness of the 'saved' policies of the adopted Local Plan 2003, including consistency with the 2012 NPPF, was undertaken in consultation with development management officers and officers of other Council departments.

- 1.5 In addition, all Lewes District Councillors and the town and parish councils within the plan area were invited to workshops at which they could raise any local community issues or concerns which might be able to be addressed by the Local Plan Part 2 (CD006, page 6). Subsequently, the Council's initial ideas about the scope and content of the proposed development management policies were published for consultation in the 'Issues & Options Topic Paper 5: Development Management Policies' (CD028).
- 1.6 The public and stakeholder views expressed through the 'Issues & Options' consultation, and responses subsequently received to the Consultation Draft Local Plan Part 2, identified a number of local planning issues or policy gaps. The Council has sought to address these concerns, where appropriate, in drafting the development management policies in the Local Plan Part 2, as set out in the Regulation 22 Consultation Statement (CD006).
- 1.7 It should be stressed that, in preparing the Local Plan Part 2, the Council has followed Government guidance that local plans should be as focussed and concise as possible. It is not necessary to repeat the strategic policies in the Local Plan Part 1 or national planning policies in the NPPF. We have also sought to avoid undue repetition or duplication by the use of generic policies, where possible, to set out principles that may be common to different types of development.
- 1.8 The Council is therefore confident that the development management policies in the Submission Local Plan Part 2 address all the relevant issues which are not sufficiently dealt with by the policies in the Local Plan Part 1, the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, and relevant 'made' neighbourhood plans. We believe that they will provide a robust and effective framework that will contribute towards the achievement of sustainable development and help to achieve the spatial vision and strategic objectives set out in the Local Plan Part 1.
- 1.8 Proposed Modifications
None

Inspector's Question

9.2 Uncertainties and Risks: Overall, does the Plan take sufficient account of uncertainties and risks? How flexible is it?

LDC Response

- 2.1 Matter Statement 1 (paras 2.1 to 2.5) explains that the scope of Local Plan Part 2 is to support the delivery of the strategic objectives and spatial strategy of the Local Plan Part 1. Local Plan Part 2 provides flexibility to support the role of neighbourhood planning to allow local communities to deliver and implement relevant elements of the LPP1 should they determine to.
- 2.2 Matter Statement 3 (paras. 1.2 - 1.6) identifies that there is sufficient flexibility in Local Plan Part 2 for the full housing requirement to be met over the plan period, and that a number of 'made' and emerging neighbourhood plans are planning positively and allocating beyond their individual minimum housing figures.
- 2.3 In addition, an allowance for non-delivery of planning permission is made through a 25% discount rate being applied to small sites to allow for non-implementation of planning permissions, as identified in Matter Statement 3 (para 3.36).
- 2.4 Any uncertainty on neighbourhood planning, in terms of ensuring sufficient progress is being made on emerging neighbourhood plans that identify housing growth to meet requirements, is monitored through the Monitoring Framework in Local Plan Part 2.
- 2.5 In terms of employment provision, Matter Statement 6 (paras. 1.12 - 1.13) identifies that 'headroom' provided by allocations, plus additional floorspace provided through the supportive approach of Core Policy 4 or permitted in the rural areas through DM9, DM10 and DM11, will increase the choice and range of sites available to meet needs and provide contingency against sites with an extant permission not being built out and provide flexibility within the plan.
- 2.6 In conclusion, the Council is confident that Local Plan Part 2, together with policies in Local Plan Part 1 and 'made' neighbourhood plans, provides a positive and flexible framework for decision-making.
- 2.7 Proposed Modifications

None

Inspector's Question

9.3 Monitoring: Are the monitoring arrangements soundly based?

LDC Response

- 3.1 The monitoring arrangement consists of the Monitoring and Delivery Framework in Local Plan Part 1 (CD031, Appendix 3), together with the Monitoring Framework in Local Plan Part 2 (CD001, Appendix 4) and Monitoring Frameworks in 'made' Neighbourhood Plans. The Monitoring and Delivery Framework in Local Plan Part 1 was examined and found sound at examination.
- 3.2 Monitoring is undertaken on an annual basis through the Authority Monitoring Report (AMR), which details progress and delivery against the performance indicators and targets in all relevant monitoring frameworks, and recommends actions where necessary to ensure that plans remain effective.
- 3.3 It is considered that monitoring is a strategic activity, designed to identify the possible need for rectifying activity. The policies in Local Plan Part 2 are intended to support the delivery of the strategic objectives and spatial strategy of Local Plan Part 1, which are monitored through the Monitoring and Delivery Framework in Local Plan Part 1. As such, Local Plan Part 2 does not require a substantial monitoring framework.
- 3.4 The main matters for monitoring in Local Plan Part 2 are considered to be the progress of neighbourhood plans to ensure that sufficient progress is being made on emerging neighbourhood plans that identify housing growth to meet requirements; and the management of Reedens Meadow Suitable Alternative Natural Greenspace to help mitigate the impact of new development on the Ashdown Forest SAC and SPA. Arrangements for monitoring these matters are set out in the Local Plan Part 2 Monitoring Framework.
- 3.5 Proposed Modifications
- None

Inspector's Question

9.4 Residential conversions in the countryside: Is policy DM4 justified and in accordance with national policy?

LDC Response

- 4.1 National planning policy requires local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances. One of the circumstances is where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting (NPPF, para.55). Policy DM4 sets out local criteria against which applications for such development should be determined in order to deliver the vision and objectives set out in the Local Plan Part 1 (CD031, pages 33-39).
- 4.2 Criterion (1) of Policy DM4 is intended to clarify how the Council will interpret the term 're-use' in paragraph 55 of the NPPF in the determination of planning applications. In our view, if the works needed to alter the use to a dwelling go beyond what might sensibly or reasonably be described as a conversion, then they fall outside the scope of paragraph 55 of the NPPF, i.e. they represent a re-build as opposed to re-use of the building. The submission of a structural survey will often be justified in order to demonstrate that this is not the case in relation to a proposed conversion.
- 4.3 Where buildings in the countryside have either become so derelict that reuse is only possible following complete or substantial reconstruction, or their construction and materials are such as to require considerable alteration to make the building suitable for residential use, the proposal will be assessed by the Council as if it were for an entirely new development in the countryside.
- 4.4 Criterion (2) recognises that the location and siting of a building can sometimes make it impractical or undesirable to change its use to a dwelling, consistent with Planning Practice Guidance (Reference ID: 13-108-20150305 and 13-109-20150305). In circumstances where the harmful impact of a residential conversion on the character of the rural landscape cannot be mitigated, then planning permission will normally be refused.
- 4.5 This approach will contribute to the delivery of the spatial vision for the rural area and Core Policy 10 (*Natural Environment & Landscape Character*) of the Local Plan Part 1 (CD031, pages 35 and 118) and is consistent with paragraphs 17 and 58 of the NPPF.
- 4.6 Criterion (3) set out in more detail the Council's expectations in relation to how proposals to re-use of an existing building should enhance its immediate setting or surroundings, whilst Criteria (4) and (5) seek to ensure that the

design of the proposal will improve the distinctive character and quality of its rural surroundings. These criteria will contribute to the delivery of the spatial vision for the rural area and Core Policy 11 (*Built and Historic Environment and High Quality Design*) of the Local Plan Part 1 (CD031, pages 35 and 121). They are also consistent with Policies DM25 (*Design*) and DM27 (*Landscape Design*) of the Submission Local Plan Part 2 (CD001, pages 96 and 99) and paragraphs 17, 57, 58, 60, 61 and 64 of the NPPF.

4.7 Criterion (6) recognises the remote location of many rural buildings and the narrow or winding nature of many rural roads and seeks to ensure that access and highway safety considerations are properly taken into account by applicants and in decision making.

4.6 Criterion (7) recognises that the location of many redundant rural buildings within functioning agricultural holdings may make their conversion to dwellings unsuitable, e.g. where they are adjacent to intensive poultry farming buildings, silage storage, or buildings with dangerous machines or chemicals. Criteria (7) therefore seeks to address this potential issue, consistent with Policies DM20 (*Pollution Management*) and DM23 (*Noise*) of the Submission Local Plan Part 2 (CD001, pages 88 and 91) and paragraphs 17, 120 and 123 of the NPPF.

4.7 In conclusion, the Council is confident that Policy DM4 is sound and will assist in the delivery of an effective plan. We believe that it sets out a robust and positive framework to help deliver sustainable development which supports the spatial vision of the Local Plan and is consistent with the Government's objectives set out in the NPPF.

4.8 Proposed Modifications

None

Inspector's Question

9.5 Agricultural Land: Is the sequential approach in policy DM19 to protect agricultural land justified and in accordance with national policy?

LDC Response

5.1 The Government expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land (NPPF, para.112). However, it gives no further indication of how local planning authorities should apply this approach in the determination of planning applications for development. Policy DM19 therefore aims to provide a more detailed policy framework for consideration of development proposals which would result in the loss of the best and most versatile agricultural land, as defined in Annex 2 of the NPPF. The Council believes that this framework will enable decisions on planning applications to be made with a high degree of predictability and efficiency, in accordance with paragraph 17 of the NPPF.

5.2 Proposed Modifications

None

Inspector's Question

9.6 Equestrian Development: Is policy DM6 justified and in accordance with national policy? Does the policy and/or its supporting text need to provide additional detail in relation to access suitability and overgrazing?

LDC Response

- 6.1 The riding and keeping of horses is a popular leisure pursuit in Lewes district and equestrian businesses contribute to the local economy. The countryside, both within and adjacent to the Plan area, provides an attractive environment for horse riders and there is a good network of bridleways.
- 6.2 The Council believes that Policy DM6 is justified in this local context and accords with national planning policies seeking to support the sustainable growth and expansion of rural businesses and leisure developments which respect the character of the countryside (NPPF, para.28)..
- 6.3 All the requirements of the policy are considered to be sound in terms of helping to deliver the spatial vision for the rural area and Core Policies 4 (*Encouraging Economic Development and Regeneration*) and 10 (*Natural Environment & Landscape Character*) of the Local Plan Part 1 (CD031, pages 35, 97 and 118). They seek to balance the need to promote a strong rural economy and the diversification of agricultural businesses with the need to protect the environmental quality and locally distinctive character of the countryside.
- 6.4 Policy DM6 is also consistent with national planning policies seeking to secure high quality design and a good standard of amenity and to ensure that new development recognises the intrinsic character and beauty of the countryside, reinforces local distinctiveness, contributes to conserving and enhancing the natural and local environment, and limits the impact of light pollution (NPPF, paras.17, 60, 64, 109, and 125).
- 6.5 Criteria (7) addresses to the need to ensure that the location of new equestrian developments does not require horse riders to use heavily trafficked roads in order to access the bridleway network. The Council will seek advice from East Sussex County Council, as the local transport authority, in relation to highway safety considerations that may be relevant to individual development proposals. Consequently it is not considered that additional detail on this issue is required within the Plan.
- 6.6 The harmful impact of unsustainable stocking densities are well documented and recommended stocking densities are set out in national and regional best practice publications. Due to the fact there are a number of factors to be

taken into account when considering stocking density, including soil type, grass quality, and the type and size of horses, the Council does not believe that it is appropriate for the Plan to be overly prescriptive in this respect. Hence, a requirement for a specific stocking density within Policy DM6 is not considered to be justified.

6.7 Proposed modifications

None