

## **Lewes District Local Plan Part 2 Examination**

Further comments made by the Lewes District Branch of CPRE Sussex

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### **Matter 1 Legal Requirements**

#### **Matter 1.2(iv) Weight to be given to different NPPF versions**

- 1.2.1 The 2018 NPPF allowed Local Plans published before 24 January 2019 to be examined against the original 2012 version of the NPPF. This was a sensible and pragmatic solution given the Ministerial priority to see as many LPAs as possible with up-to-date Local Plans. An immediate insistence on the use of the 2018 NPPF would have sent many LPAs with advanced draft Local Plans back to the drawing board.
- 1.2.2 Since this decision was reached a third (Feb 2019) iteration of the NPPF has also been published, containing some significant new policies.
- 1.2.3 Actual planning applications now under consideration by LPAs must already be assessed against the latest iteration of the NPPF. Thus it would be unjustified and ineffective to include in a Local Plan such as the Lewes Local Plan part 2 Development Management policies that were compatible with the 2012 NPPF but incompatible with the most recent 2019 NPPF, because such policies would automatically be out-of-date when they were adopted.
- 1.2.4 CPRE Sussex suggests that as a sensible compromise to avoid such difficulties issues such as meeting legal requirements, housing numbers and the duty to cooperate are examined against the 2012 NPPF, but that assessment of the Development Management policies should ensure that they are also compatible with the most recent 2019 NPPF.

#### **Matter 1.2(v) Made and emerging Neighbourhood Plans**

- 1.2.5 CPRE Sussex strongly supports the principle of Localism, and the central role of neighbourhood planning. Positively prepared neighbourhood plans have much to contribute to delivering sustainable development. There are several local examples with positive policies that would not have been created or delivered on a District wide basis. It is the view of CPRE Sussex that there are examples of good practice in adopted and emerging neighbourhood plans that could serve as models for the District as a whole.
- 1.2.6 However, it is clearly important that the District does not rely on emerging neighbourhood plans that may never be delivered. This applies in Lewes District mainly to the towns, where plan development is more complex and has understandably been slower. The Lewes Neighbourhood Plan has been examined and has passed its referendum, so its adoption is now confidently anticipated. The Newhaven and Seaford Neighbourhood Plans have made good progress, though both have yet to pass examination. Adoption in 2019 or early 2020 is likely, but not yet certain. The Peacehaven & Telscombe Neighbourhood Area was designated in 2013, but there is very limited evidence of subsequent progress. Adoption of a Peacehaven & Telscombe Neighbourhood Plan in the reasonably near future appears unlikely. For the Lewes Local Plan part 2 to be positively prepared and effective it must be

clear what the arrangements will be to ensure that necessary new housing and employment is delivered in the intervening period.

- 1.2.7 There is an important change between the 2012 NPPF and its two more recent successors in regard to the relationship between the Local Plan and adopted Neighbourhood Plans. The 2012 NPPF was clear that (within the Neighbourhood Area) non-strategic policies in Neighbourhood Plans took priority over non-strategic policies in Local Plans. It adds in paragraph 185 that LPAs should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation. In the 2018 and 2019 NPPFs this relationship is changed. Paragraph 30 of the 2019 NPPF describes a different relationship. Policies in an adopted Neighbourhood Plan are superseded by non-strategic policies in a Local Plan that is adopted at a later date than the Neighbourhood Plan.
- 1.2.8 It is thus essential to ensure in the examination of a Local Plan such as this one that carefully developed local policies in a Neighbourhood Plan based on expert local knowledge are not unintentionally superseded by generic and much less detailed non-strategic policies which do not have the benefit of local knowledge of the particular area. Given the growing number of adopted neighbourhood plans in the District, it would be unrealistic to assume that the Council's officers will necessarily be aware of the full contents of each adopted neighbourhood plan in their District.
- 1.2.9 To avoid this unjustified outcome the Local Plan should include a statement that it is not intended to supersede any adopted neighbourhood plan policies for the relevant Neighbourhood Area except where such supersession is explicitly identified in the Local Plan.