

DITCHLING, STREAT AND WESTMESTON NEIGHBOURHOOD DEVELOPMENT PLAN (NDP) MAY 2017

South Downs National Park Authority, Lewes District Council & Ditchling Parish Council response to Examiner's Statement October 2017

Introduction

1. The South Downs National Park Authority (SDNPA) and Lewes District Council (LDC), the local planning authorities, and Ditchling Parish Council (the Qualifying Body, QB) appointed Christopher Lockhart-Mummery QC (Examiner) to conduct the independent examination of the Submission Draft of the Ditchling, Streat and Westmeston Neighbourhood Development Plan (NDP).
2. The Examiner published a statement requesting further information and seeking clarification on certain matters.
3. The following responses are numbered to correspond with the Examiners original note.

The Examiners questions are set in text boxes and the response by the SDNPA, LDC & QB follow each in turn.

Procedural Matters

1. I have been appointed by the South Downs National Park Authority (SDNPA) with the agreement of the Qualifying Body (Ditchling Parish Council, QB) to undertake this examination. Part of the designated neighbourhood area falls outside the National Park, the local planning authority for that area being Lewes District Council (LDC). I assume that I have been jointly appointed by SDNPA and LDC, but would like confirmation to that effect.

1.1 The SDNPA and LDC have an agreed Protocol for Joint Working on Neighbourhood Planning (Appendix 1). In order to provide certainty to both authorities and to the communities they serve, LDC and SDNPA have agreed to 'split' the responsibility for supporting Neighbourhood Planning in the district. A 'lead authority' is established for those parishes or towns partly in both authorities' areas. The lead authority is the one where the main centre of population is based. In the instance of Ditchling, Streat and Westmeston NDP, the lead authority is the SDNPA. The SDNPA, in agreement with the NDP group has undertaken arrangements to appoint the examiner. This appointment is made on behalf of the SDNPA and LDC.

2. It is of crucial importance that this examination is carried out openly and transparently, so that all those who have an interest in the NP can at all stages see what is going on. To that end, whilst I intend to communicate directly with SDNPA (Amy.Tyler-Jones@southdowns.gov.uk), I will assume that all such communications will be copied to LDC and the QB. Please confirm, and if either LDC or the QB would prefer direct communications, please say so.

2.1 Please can all correspondence be copied to ditchlingpc@btinternet.com (QB) and Thea.Petts@lewes-eastbourne.gov.uk (LDC).

3. Also, I am aware that the two local planning authorities and the QB each have a website for the NP. I will assume that all communications from and to me will be accessible on those sites.

3.1 All communications and materials associated with the examination will be available on the SDNPA and LDC websites. A link to these webpages will be provided on the QB website.

Consultation Statement

9. Supporting Documentation Volume 1 includes (at pp 11-92) a document called Public and Agency engagement **programme**. I have not been supplied with a document entitled Consultation Statement, and assume that pages 11-92 are intended to comprise such a statement. Is this correct? If so, I can find no summary as required under c., nor a description as required by d. This concern needs to be addressed before the examination can get under way.

9.1 Pages 11-92 of the submitted Supporting Documentation comprise the Consultation Statement. However, a summary of Reg 14 responses was omitted from this document. An analysis of the responses received during the Reg 14 Pre-Submission Consultations and how these were considered is attached to this response (Appendix 2 & 3)

The development plan

10. There are many inaccuracies and inconsistencies in both the NP and the Basic Conditions Statement as to the status of the statutory development plan.

11. As I understand it, the development plan comprises (and comprises only):

- a) The saved policies of the Lewes District Plan 2003.
- b) The Lewes District Local Plan Part 1: Joint Core Strategy 2016. (abbrev)
- c) The East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan 2013.
- d) The East Sussex, South Downs and Brighton and Hove Waste and Minerals sites plan 2017.

12. Please confirm whether the above is correct. If so, I would be grateful for hard copies of a. and b.

10.1 This is correct, a hard copy of (b) will be provided. We request that this is returned at the close of the examination. Hard copies of the Lewes District Local Plan 2003 are no longer available, however retained 'saved' policies of the Lewes District Plan 2003 can be viewed on the LDC website or a file compiling such policies (without supporting text) can be sent electronically to the Examiner. A print out of these can be provided if considered necessary by the Examiner.

13. Policies SP1 and SP2 of the JCS (full) were, so far as affects the SDNP only, quashed by the High Court on 20 March 2017. This raises 3 questions:

- a) What are (now) the "strategic policies" of the development plan with which the NP must generally conform? No specific guidance on this important point is, so far as I can see, provided in the documentation. I note the Table of policy conformity at pp5-7 of the Basic Conditions Statement. Are all the policies in the 3rd column taken to be strategic policies? What about Policy CT1 of the Lewes District Plan 2003, referred to at paragraph 14 below?

13.1 All policies within the Lewes District Local Plan Part 1: Joint Core Strategy 2016 are considered to be strategic. Whilst Policy CT1 of the Lewes District Plan 2003 was retained on adoption of the Joint Core Strategy 2016, LDC have confirmed that it is not considered strategic. The policy also pre-dates the NPPF however it was found that policy CT1 was consistent with the NPPF. The South Downs Local Plan emerging policy SD25: *Development Strategy* will on adoption supersede Policy CT1 within the National Park. For the areas outside the National Park, policy CT1 will be replaced once the Lewes Local Plan Part 2 is adopted.

- b) Subsequent to the quashing, page 24 of the NP indicates further actions being taken. So far as further HRA screening is concerned, I understand that there would be no likely significant effects from the allocation of 15 additional dwellings (net) when considered on a solus basis; cumulative effects are being addressed through the HRA of the emerging SDNP Local Plan; this was due for publication in September 2017. Is this correct? Has the assessment been published?

13.2 The South Downs Local Plan HRA was published in September and is available here: <https://www.southdowns.gov.uk/planning/national-park-local-plan/>.

In response to the High Court ruling the SDNPA and Lewes District Council jointly commissioned AECOM to undertake further traffic modelling, air quality calculations and ecological interpretation work. This work forms the Appropriate Assessment part of the HRA for the Pre-submission Local Plan. The conclusions of this work are set out in Section 5.3 and the addendum of the Pre-Submission HRA Report, and conclude that there are no adverse effects on the integrity of the assessed international nature conservation designations from the South Downs Local Plan or in combination with growth arising from surrounding authorities.

c) In the light of the above, will the present state of the development plan (including, e.g., the absence of SPI and SP2) remain during the examination?

13.3 The Development Plan as set out in paragraph 7 above (with the absence of SPI and SP2) will remain during the course of the examination. The SDNPA will inform the Examiner of any changes to this should they arise.

General conformity

14. The development plan includes Policy CT1 of the Lewes District Plan 2003, whose terms are set out at page 23 of the NP. The policy would contain all development within planning boundaries. Accepting that this policy is inconsistent with the NPPF, it remains part of the development plan. NP Policy HSG7A proposes the largest allocation in the plan outside the settlement boundary (which would be extended accordingly). I can see no evidence that the relationship between this policy and CT1 was considered. Indeed, the table of general conformity in the Basic Conditions Statement does not even mention the Lewes District Plan (a material omission). Am I correct in this?

14.1 The Basic Conditions Statement sets out how the NDP is in general conformity with the strategic policies contained in the Development Plan for the area. Whilst the Development Plan comprises those documents set out in section 7 above, only policies within the Lewes District Local Plan Part I: Joint Core Strategy 2016 are considered to be strategic and therefore of greatest relevance to the making of the NDP. The table on page 5 of the Basic Conditions Statement shows how the NDP conforms to the strategic policies of the Development Plan and national guidance.

Other aspects of the NP

15. I have three additional queries, at this stage, on the NP itself.

The first relates to development in the countryside. As I understand it, the whole of the NP area save that within the settlement boundary of Ditchling (as to be extended under Policy HSG7A) is in countryside. I believe that both the two industrial estates adjoining Ditchling Common, and the complex of St George's Park, are in countryside. Am I correct so far?

15.1 The industrial estate to the east of Ditchling Common is known as Tidy Industrial Estate. To the north of Ditchling Common is St George's Retreat which provides retirement accommodation. Both are outside the settlement boundary for Ditchling and are outside the SDNP. Tidy Industrial Estate is covered by a planning boundary included in the Lewes District Local Plan Part I Joint Core Strategy and is safeguarded for employment uses.

17. Following on from this, Policy HSG1 is under the heading “housing land use policy”. But (confusingly) it deals with other land uses as well. Policy CONSI also deals with the settlement boundary. As SDNPA suggest, would it not be better for there to be, as the first policy in the NP, a general policy providing for what will be permitted/restrained within and outside the settlement boundary of Ditchling?

17.1 SDNPA and the QB would welcome a recommended modification from the Examiner to this affect. The following policy wording is suggested:

Development Strategy

“The principle of development is supported within the settlement boundary, particularly where this:

- i. Meets identified housing requirements;
- ii. Supports its role as a service centre for the Plan area; and
- iii. Provides facilities supporting its role as a gateway to the National Park.

Exceptionally, development will be permitted outside of the settlement boundary where it complies with relevant policies in the Development Plan, and:

- a) It is allocated for development or safeguarded for the use proposed as part of the Development Plan; or
- b) It is for the provision of affordable housing meeting local needs on rural exception sites; or
- c) It is for the replacement or extension of existing dwellings providing the resulting floorspace is not increased by more than 30% of the existing dwelling; or
- d) It is small-scale development which supports an existing rural business; or
- e) It is for facilities for low-key countryside recreation and tourism, particularly those promoting use of the National Park; or
- f) In the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
- g) It is an appropriate reuse of a previously developed site, excepting residential gardens.”

18. Second, where is Appendix A referred to at pages 36 and 38?

18.1 There is no Appendix A to the submitted NDP. This reference was carried forward from the Pre-Submission version however, the indicative layouts were removed from the Submission version of the NDP. The indicative layouts can be viewed on pages 94 & 95 of the Supporting Documentation. The SDNPA and QB would welcome a recommendation to remove reference to Appendix A from the Development Frameworks.

19. Third, ESCC states that some of the land within site HSG7B (Lewes Road/Nye Lane) is common land and highway land. If so, this would question the deliverability of this site. Is there any evidence in the material I already have that deals with this point? I am not, at this stage, inviting further evidence on the point.

19.1 There is no additional evidence within the submitted documents. Some of the land within site HSG7B is registered common land and although there is a process to deregister common land there are also highway implications. The SDNPA have commented an alternative layout on a reduced site which excludes this contested area of land may be more appropriate, is more easily delivered and could still achieve 5-7 units.