



**Lewes District Council**

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

**Submission Document**

**Schedule of Proposed Minor Modifications**

**December 2018**

This schedule sets out the minor modifications proposed to the Lewes District Local Plan Part 2 following its formal submission to the Secretary of State on 21<sup>st</sup> December 2018. All policy, paragraph and page numbers relate to the Submission Lewes District Local Plan Part 2 (Core Document 1 of the Examination Library).

These proposed modifications have not been published for formal representations to be made in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This is because the modifications are considered to be matters of clarification, factual correction or update which do not affect the soundness of the Plan.

The Council is confident that the Local Plan Part 2 as submitted is sound. The proposed modifications in this schedule will aid in the application and implementation of the Local Plan Part 2, but do not fundamentally alter the document published for representations to be made under regulation 19 between 24 September and 5 November 2018.

The schedule shows text as ~~crossed through~~ where deleted and underlined where new text has been added.

## Schedule of Proposed Minor Modifications

Number	Document Reference	Proposed Change	Reason for change
M01	Para.1.15, page 9	<p>Amend paragraph 1.15 to read:</p> <p>The only significant cross-boundary issue that remains to be addressed through the preparation of the Local Plan Part 2 is planning to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople (see paras. <del>2.105–2.109</del> 2.132 – 2.135). A Statement of Common Ground<sup>4</sup> has been prepared between the SDNPA and Lewes District Council to identify and address the unmet need within the district, which has now been substantially reduced through the Submission Local Plan Part 2.</p>	Correction
M02	Footnote 4, page 9	<p>Amend footnote 4 to read:</p> <p><del><sup>4</sup> 1st iteration available on the SDNPA Local Plan Examination webpage</del>  <a href="https://www.southdowns.gov.uk/wp-content/uploads/2018/04/SCG08-Lewes.pdf">https://www.southdowns.gov.uk/wp-content/uploads/2018/04/SCG08-Lewes.pdf</a>            Available on the Council's Local Plan Part 2 examination webpage  <a href="https://www.lewes-eastbourne.gov.uk/planning-policy/local-plan-part-2-lpp2-examination/">https://www.lewes-eastbourne.gov.uk/planning-policy/local-plan-part-2-lpp2-examination/</a></p>	Update
M03	Para 1.19, page 11	<p>Amend paragraph 1.19 to read:</p> <p>The local planning authority is required to ensure that the policies and proposals contained within its local plan will not have a Likely Significant Effect on Sites of European and International Importance (European Sites) such as Special Areas of Conservation (SACs) ,Special Protection Areas (SPAs) and Ramsar sites (internationally important wetlands). A Likely Significant Effect must be established both in terms of the individual plan and of the plan in combination with other policies and proposals, such as the local plans of neighbouring authorities'. Where a Likely Significant Effect cannot be ruled out, an "Appropriate</p>	Update

		Assessment” is carried out under the Conservation of Habitats and Species Regulations 2017, commonly known as the ‘Habitat Regulations’. The Habitat Regulations Assessment published alongside this document <sup>7</sup> constitutes a number of individual reports and addendums that demonstrate that <del>there will be no Likely Significant Effect on any of the protected areas as a result of implementing the Local Plan Part 1 or Part 2 only recreational impacts on the Ashdown Forest SPA/SAC from residential development within 7km will require</del> <u>Appropriate Assessment. For all other impact pathways, a conclusion of No Likely Significant Effects on European Sites is reached.</u>	
M04	New paragraph, page 11	Insert new paragraph 1.20 to read:  <u>Mitigation measures contained within the Local Plan Part 1 Core Policy 10 (3i) can be applied at the Appropriate Assessment stage and, as such, in accordance with the Habitat Regulations Assessment it is therefore possible to conclude that there will be no adverse effect on the integrity of any European sites due to growth in Local Plan Part 1 or 2, either alone or in combination with other plans and projects.</u>	Update
M05	Policy NH01, page 20	Amend Policy NH01 by inserting an additional criterion to read:  <b><u>c) Appropriate surface water drainage mitigation is agreed with appropriate body and local planning authority and implemented accordingly;</u></b>	Clarification
M06	Policy NH01, page 20	Amend Policy NH01 by re-numbering criterion (c) as criterion (d) as a result of Proposed Modification M05	Consequential change
M07	Supporting text to Policy NH01, page 21	Following paragraph 2.28, insert new paragraph to read:  <u>The site lies within Flood Risk Zone 1 (at least risk of flooding). However, a risk of surface water flooding has been identified associated with a major overland flow route, along the site’s northern boundary. Therefore, to ensure that flood risk is</u>	Clarification

		<u>not created, or exacerbated, on or off-site by the development, consideration should be given to the design and layout of the site. A specific flood risk assessment may also be required and mitigation implemented accordingly.</u>	
M08	Paras. 2.29 – 2.142, pages 21 - 55	Re-number paragraphs 2.29 – 2.142 as a result of Proposed Modification M07.	Consequential change
M09	Policy NH02, page 22	Amend criterion (a) of Policy NH02 to read:  <b>a) Provision of suitable access <u>and egress</u>, including for pedestrians and cyclists;</b>	Clarification
M10	Policy NH02, page 22	Amend criterion (e) of Policy NH02 to read:  <b>e) Development is subject to investigation into potential contamination and appropriate <del>mitigation</del> <u>remediation</u> measures agreed with the relevant authority;</b>	Clarification
M11	Policy NH02, page 22	Amend criterion (g) of Policy NH02 to read:  <b>g) An ecological impact assessment is undertaken and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity. <u>Where impacts on biodiversity cannot be avoided or mitigated, like-for-like compensatory habitat at or close to the development site will be required.</u> Development allows for the protection of biodiversity and enhancement where possible; and</b>	Clarification
M12	Para.2.32, page 24	Amend paragraph 2.32 to read:  The Marina fulfils an important role in Newhaven and it is important that such a use is maintained within the site. However, as demonstrated by the previously approved planning application for 331 dwellings it is considered that a target	Clarification

		minimum of 300 net additional dwellings could also be accommodated within the site. As such, it is considered that with a high quality design development, at a higher density than set out in Core Policy 1, could be acceptable on this site. <u>In considering the design of the development, any proposal should also be mindful of the setting of the Newhaven Fort scheduled monument to the south of the site.</u>	
M13	Policy BH01, page 26	Amend Policy BH01 by inserting an additional criterion, to read:  <b><u>g) Appropriate surface water drainage mitigation is agreed with appropriate body and local planning authority and implemented accordingly;</u></b>	Clarification
M14	Policy BH01, page 26	Re-number criteria (g) and (h) of Policy BH01 to read (h) and (i) as a result of Proposed Modification M13	Consequential change
M15	Para.2.47, page 27	Amend paragraph 2.47 to read:  Access to the site is currently gained from the private track which serves the 'Nuggets' property. Demolition of the property 'Woodreeves' is needed to enable the required road widths and junction improvements to be achieved, unless other suitable access is established. Whilst the site is predominately in East Sussex county, the junction with Valebridge Road is in West Sussex County. Therefore, issues of access and potential impacts of additional traffic on the local transport network will need to be considered by both county councils as highway authorities. <u>Furthermore, it is very likely that new residents would access most services and facilities, such as community facilities, recreation and healthcare, from within the Mid Sussex/West Sussex administrative area. Lewes District Council will liaise with Mid Sussex District Council with regards to infrastructure capacity and possible developer contributions, involving the two County Councils, Burgess Hill Town Council and Wivelsfield Parish Council, where appropriate.</u>	Clarification

M16	Supporting text to Policy BH01, page 28	Following paragraph 2.51, insert new paragraph to read: <u>The site lies within Flood Risk Zone 1 (at least risk of flooding). However, a risk of surface water flooding has been identified associated with overland flow routes running north- south through the site. Therefore, to ensure that flood risk is not exacerbated, on or off-site, by the development consideration should be given to the design and layout of the site. A specific flood risk assessment may also be required and mitigation implemented accordingly.</u>	Clarification
M17	Paras.2.52 – 2.142, pages 28 - 55	Re-number paragraphs 2.52 – 2.142 as a result of Proposed Modification M16.	Consequential change
M18	Para.2.117, page 47	Amend paragraph 2.117 to read:  Plumpton Parish Council has a ‘made’ neighbourhood plan. The neighbourhood plan contains a number of housing policies and allocates four housing sites totalling 68 net additional dwellings. Any future planning applications, or potential review of the <del>Newick</del> <u>Plumpton</u> Neighbourhood Plan which considers housing allocations, will need to take into consideration policies within the adopted development plan.	Correction
M19	Policy RG01, page 49	Amend Policy RG01 by inserting an additional criterion to read:  <b>f) <u>Appropriate surface water drainage mitigation is agreed with appropriate body and local planning authority and implemented accordingly;</u></b>	Clarification
M20	Policy RG01, page 49	Re-number criteria (f) and (g) of Policy RG01 to read (g) and (h) as a result of Proposed Modification M19	Consequential change
M21	Supporting text to Policy RG01, page 51	Following paragraph 2.127, insert new paragraph to read:  <u>The site lies within Flood Risk Zone 1 (at least risk of flooding). However, a risk of surface water flooding has been identified associated with overland flow routes</u>	Clarification

		<u>running both through the site and in close proximity to the site. Therefore, to ensure that flood risk is not exacerbated, on or off-site, by development consideration should be given to the design and layout of the site. A specific flood risk assessment may also be required and mitigation implemented accordingly.</u>	
M22	Paras.2.128 - 2.142, pages 51-55	Re-number paragraphs 2.128 – 2.142 as a result of Proposed Modification M21.	
M23	Supporting text to policy E1, page 59	<p>Following paragraph 3.17, insert additional paragraphs to read:</p> <p><u>The majority of the site is located within the Tide Mills Local Wildlife Site, a non-statutory designation made in 1993 in recognition of the value of the coastal and floodplain grazing marsh and coastal vegetated shingle. These habitats are now included on the Government’s list of habitats of principal importance for biodiversity conservation in England. Any development must therefore ensure that any loss or damage to the nature conservation interest of the site can be mitigated to achieve a net gain in biodiversity, in accordance with Policy DM24 (<i>Protection of Biodiversity and Geodiversity</i>). Appropriate mitigation should be identified by the applicant, along with the means for its delivery and maintenance.</u></p> <p><u>Due to the open nature of the coastline in this location, development is also likely to have an impact upon the setting of the South Downs National Park. Development proposals should therefore have due regard to Core Policy 10 (<i>Natural Environment and Landscape Character</i>) of the Local Plan Part 1, which seeks to conserve and enhance the landscape quality and scenic beauty of the Park, and be informed by the South Downs Integrated Landscape Character Assessment accordingly.</u></p> <p><u>Development of the site also has the potential to affect the setting of the Newhaven Fort Scheduled Monument and the Tidemills Archaeological Notification Area. The remains of a WW1 seaplane base fall partially within the site and need to be protected. Development proposals should therefore be</u></p>	Clarification

		<p><u>accompanied by a heritage impact assessment and an appropriate archaeological assessment and evaluation of the site's archaeological and historic interest, in accordance with Policy DM33 (Heritage Assets) and Core Policy 11 (Built and Historic Environment and High Quality Design) of the Local Plan Part 1.</u></p> <p><u>A public footpath, which forms part of the proposed England Coast Path, runs through the site and any development proposals will be required to mitigate any harmful impact on the convenience, safety and amenity of this right of way, in accordance with Policy DM35 (Footpath, Cycle and Bridleway Network).</u></p>	
M24	Policy E1, page 59	<p>Amend Policy E1 to read:</p> <p><b>Policy E1: Land at East Quay, Newhaven Port</b></p> <p><b>Land at East Quay, as defined on the Policies Map, is allocated for employment uses associated with Newhaven Port. <del>Employment development which is not associated with port-related activity will be permitted only where it can be demonstrated that such development would not undermine the operational use of the Port. All development proposals should ensure that the visual impact on the landscape and scenic beauty of the South Downs National Park is minimised.</del> <u>Development will be permitted subject to compliance with all appropriate development plan policies and the following criteria:</u></b></p> <ul style="list-style-type: none"> <li>a) <u>An ecological impact assessment is undertaken and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity;</u></li> <li>b) <u>A visual and landscape character assessment is undertaken to ensure that the visual impact on the landscape and scenic beauty of the South Downs National Park is minimised;</u></li> <li>c) <u>An appropriate assessment and evaluation of archaeological potential is undertaken and any necessary mitigation measures implemented</u></li> </ul>	Clarification

		<b><u>accordingly.</u></b>	
M25	Paras. 3.18 – 3.23, pages 60 - 61	Re-number paragraphs 3.18 – 3.23 as a result of additional paragraphs inserted by Proposed Modification M23.	Consequential change
M26	Footnote 16, page 60	Amend footnote 16 to read:  The Brighton & Hove City Plan Part 2 is also proposing to allocate the part of the site within its administrative area for the uses set out in Policy E1 <del>E2</del> .	Correction
M27	Para.3.22, page 61	Amend paragraph 3.22 to read:  The loss of the landscaped bund, which is located within the boundary of Brighton & Hove City Council, is considered acceptable provided that <del>it</del> <u>this loss</u> is mitigated, <u>for example</u> through the use of green walls, green roofs or landscaping, in accordance with Core Policy 8 ( <i>Green Infrastructure</i> ). Opportunities should also be taken to improve the public realm around the stadium for users, in accordance with Policy DM25 ( <i>Design</i> ).	Clarification
M28	Policy E2, page 62	Amend criterion (d) of Policy E2 to read:  <b>d) the provision of green infrastructure and wider landscaping enhancements through creative landscape solutions (including features such as green walls and roofs);</b>	Clarification
M29	Policy DM33, page 106	Amend policy DM33 to read  <b>Policy DM33: Heritage Assets</b>  <b>Development affecting a heritage asset will only be permitted where the proposal would make a positive contribution to conserving or enhancing the significance of the heritage asset, taking account of its character,</b>	Clarification

		<p><b>appearance and setting.</b></p> <p><b>All development proposals that affect a heritage asset or its setting will be required to submit <del>supporting information</del> <u>a heritage impact assessment</u> proportionate to the significance of the asset, including:</b></p> <ul style="list-style-type: none"> <li><b>(a) an assessment of the archaeological, architectural, historic or other significance of the affected asset, including any contribution made by its setting;</b></li> <li><b>(b) an assessment of the impact of the proposed development on the significance of the asset or its setting;</b></li> <li><b>(c) a statement of justification for the proposed development, together with details of any measures proposed to avoid, minimise or mitigate any harm to the significance of the asset.</b></li> </ul> <p><b>Where the loss of the whole or part of a heritage asset can be justified <u>by being outweighed by substantial public benefit</u>, the Council will seek, by a legal agreement and/or condition, to ensure that the new development will proceed within a reasonable timescale after the loss has occurred.</b></p>	
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