

Redacted Copy of Email

**From
Geoff King**

12th April 2019

Ref – The Lewes District Council Local Plan Part 2

Dear Chris Banks

Further to my original submissions to Lewes District Council during the 2018 consultation process please find below (and also attached) my answers to the Inspector's Matters, Issues and Questions, my answers mainly focus on Policy E1.

I am also posting two paper copies this afternoon. Hopefully they should arrive in the next day or two.

I wish to reconfirm my request to take part at the examination process with regard to Policy E1.

Kind Regards

Geoff King

Response to the Inspectors Matters and Issues into the Lewes District Local Plan Part 2 – Submitted By

Geoff King

[Further to my original submissions to Lewes District Council during the 2018 consultation process please find below my answers to the](#) Inspector's Matters, Issues and Questions, my answers mainly focus on Policy E1.

I wish to reconfirm my request to take part at the examination process with regard to Policy E1.

**Examination into Lewes District Council Local Plan Part 2:
Site Allocations and Development Management
Inspector's Matters, Issues and Questions Discussion Note**

Matter 1 - Legal Requirements, Scope of the Local Plan and Duty to Co-operate

1.1 Legal Requirements:

Does the Local Plan meet all its legal requirements (e.g. in relation to the Local Development Scheme; Statement of Community Involvement; and Local Development Regulations 2012)? Are there any other legal compliance issues?

Whilst Lewes District Council may have followed the legal requirements, it is highly questionable whether they followed the spirit of the legal requirements. It is therefore worth putting into context the events that led to Lewes District Council submitting the Local Plan Part 2 for examination.

The overwhelming opposition to Policy E1 during the Consultation Phase was demonstrated by Policy E1 generating 241 objections, the largest number of objections of any of the Local Plan proposals. There is also a petition with over 4000 signatures. These objections and the petition were ignored by Lewes District Council.

The results of the Eighteen Objectives of the Sustainability Framework of the Sustainability Assessment were also ignored by Lewes District Council when Lewes District Council proposed Policy E1 which had the poorest overall score of the three employment sites covered by the Lewes District Council Local Plan Part2.

Lewes District Council also ignored its own admission at para 3.3 of the Employment Site Allocations on page 56 of the Submission Document that states that there is no requirement in quantitative terms to allocate additional sites for employment purposes.

The lack of a requirement for any additional employment space in Newhaven is also supported by a study conducted by Newhaven Town Council which has identified enough existing employment space within Newhaven for future years.

To still further demonstrate that the land at Policy E1 is not needed as employment land new rules took effect in Newhaven towards the end of 2018 withdrawing permitted development rights for change of use from office and light industry to residential use.

These new rules further reduce the need for additional employment land in Newhaven such as the proposed land at Policy E1 as existing employment sites within the Newhaven Enterprise Zone would now be safeguarded under these new rules.

Thus the Lewes District Council Local Plan Part 2 has been overtaken by events in this regard.

Para 3.5 on page 57 of the Submission Document refers to Core Policy 4 and makes the presumption that Policy E1 would aid regeneration in Newhaven. Para 3.8 and 3.9 on pages 57 and 58 of the Submission Document imply that the land at Policy E1 is within the Newhaven Enterprise Zone. This is incorrect, only the portion of Policy E1 within the current harbour eastern boundary is within the Newhaven Enterprise Zone. Considering that Policy E1 would be an 'out of town' development and that much of the land in Policy E1 is outside the Newhaven Enterprise Zone, this is a highly questionable presumption that Policy E1 would have a regeneration effect on the town of Newhaven.

Para 3.11 on page 58 of the Submission Document implies that East Quay Newhaven and its associated railhead is a safeguarded berth for minerals importation and processing. This is not the case. The East Sussex County Council Waste and Minerals Plan cites Newhaven North Quay as the safeguarded berth for minerals importation.

The Lewes District Council Local Plan Part 2 was only approved to be submitted for examination on the strength of one abstention at a meeting of the full Lewes District Council in November 2018. Lewes District Council was really split on this decision. Hardly a ringing endorsement and suggests that the whole local plan hangs by the thinnest of threads.

Matter 2 - Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)

2.1 Is the Plan supported by the SA and HRA?

The plan has a Sustainability Assessment and Habitat Regulations Assessment. The Habitat Regulations Assessment however does not include Policy E1.

2.2 What evidence is there that the SA has influenced the Plan and/or undertaken a full assessment of realistic alternatives?

The Sustainability Assessment showed Policy E1 to have the poorest score when measured by the 18 objectives of the Sustainability Assessment. However Lewes District Council apparently selected Policy E1 on the basis of Saved Policy NH20 which dates back to 2003.

The Planning Inspectorate Guide Notes at para. 1.15 on page 13 states that - Evidence base documents relating to retail, employment & housing that date from 3 or more years before the submission date are at risk of having been overtaken by events, particularly as they may rely on data that is even older.

That is certainly true of Saved Policy NH20 and therefore of proposed Policy E1.

Saved Policy NH20 goes back to the days when Newhaven had two conventional ferries and a fast ferry making a total of six sailings a day. Now Newhaven has one conventional ferry making two sailings a day during the winter and two conventional ferries making a total of three sailings a day in the summer.

Saved Policy NH20 talked about port related activity with regard to new ferry terminals and vehicle parking etc. Policy E1 doesn't mention any of that and even worse, is sufficiently vague in saying - Land at East Quay, as defined on the Policies Map, is allocated for employment uses associated with Newhaven Port.

This is very significant as much of the employment uses within Newhaven Port are of a general industrial estate nature and not port related in any way. Thus whilst this current general industrial employment may be considered as being associated with Newhaven Port it is not Port Related as set out in Policy NH20 and could be sited anywhere.

The other very significant issue is the title used for the land in Policy E1. This is not land at East Quay, Newhaven. This is land on Tide Mills and Seaford Bay Beach. Geographically the distance from the Quayside at East Quay to the land in Policy E1 is over half a kilometre.

2.3 Do any adverse effects identified in the SA require significant mitigation, and how does the Plan address these issues? Has appropriate account been taken of

the recent Sweetman 2 Judgment in the European Court of Justice (ECJ)? Is there still a need for an Appropriate Assessment?

The Sustainability Assessments suggests at para 10.28 on page 97 that there are no significant effects to necessitate mitigation. Clearly Lewes District Council considered it perfectly acceptable to destroy the beach and foreshore and ruin the unspoilt undeveloped open aspect of the western end of Seaford Bay when it concluded that there are no significant effects. The unspoilt undeveloped open aspect of the western end of Seaford Bay is an iconic feature of Seaford Bay when viewed from the west at the historic Newhaven Fort or when viewed from the east from anywhere along Seaford Seafront and Seaford Head.

The land at Policy E1 is designated a Site of Nature Conservation Importance (SNCI), now known as a Local Wildlife Site (LWS). The site was considered for upgrading of the classification to a Site of Special Scientific Interest (SSSI) but sadly that never happened. Development of this site would destroy not only valued wildlife habitat, the area is a prime bird watching location, it would destroy a valued local green space used by many, families with children, dog walkers, water sports enthusiasts and for general recreation and wellbeing purposes .

Further to this the Lewes District Council Schedule of Minor Modifications relating to Policy E1 at M23 acknowledges that - 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.

The land at Policy E1 is part of the Unesco World Biosphere and will form part of the Round Britain Coastal Footpath to be created between Brighton and Eastbourne. Any development on this land would seriously impact the Brighton to Eastbourne Coastal Path project recently announced by the Secretary of State and would impact heavily on the tourism industry. Newhaven is heralded as the Gateway to the South Downs National Park for people arriving by ferry from France and any development on this land would not only impact on the tourism industry of the ferry service but would impact on the neighbouring South Downs National Park which the land at Policy E1 is adjacent to.

The 241 objections submitted regarding Policy E1 and the petition to Save the Western End of Seaford Bay signed by over 4000 people clearly demonstrate how out of step with local opinion and local residents Lewes District Council really are.

Lewes District Council cite the regeneration aspirations of Core Policy 4 when suggesting the land at Policy E1 but this land is out of town and much of it is outside the Newhaven Enterprise Zone. Any development on this land would be 'out of town' development that would have no effect on regenerating Newhaven Town.

Matter 5 - Are the Plan's provisions for the protection and enhancement of its environmental, landscape, biodiversity, open space, recreation and leisure and heritage assets in accordance with national policy?

5.1 *Is policy DM33 (Heritage Assets) compliant with NPPF 133 and 134?*

The NPPF Policy 133 on Green Belts states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF Policy 134 on Green Belts states that the Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighboring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Lewes District Council policy DM33 is not compliant with the NPPF Policy 133 and fails to address the issues raised regarding preventing urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Lewes District Council policy DM33 is not compliant with the NPPF Policy 134 and fails to address the issues:-

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighboring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Lewes District Council policy DM33 is not compliant with the NPPF Policy 134 as it does nothing to protect or preserve the Strategic Gap between the towns of Newhaven and Seaford which has long been a policy of Lewes District Council. The maintaining of Strategic Gaps to prevent neighboring towns merging into one another is clearly set out in the NPPF Policy 134.

Lewes District Council policy DM33 cites many locations within the district as Heritage Assets but does not include the land at Policy E1. Thus policy DM33 fails to acknowledge the heritage assets of the Unesco World Biosphere, the beach front Internationally Recognised Vegetated Shingle, the beach front War Time Sea Plan Base or of the beach front site of Marconi's first Cross Channel Radio Station.

Further, policy DM34 relating to Areas of Established Character states that - Development within Areas of Established Character will be permitted where it reflects the existing character of the area in terms of the gaps between buildings, building height, building

size, site coverage, set-back from the street, boundary treatments, mature trees, hedges and grass verges.

Therefor how can any development on the land at Policy E1 reflect the Established Character of the land at Policy E1 given that the land is open, unspoilt and undeveloped?

5.2 Is policy DM14 for multi-functional Green Infrastructure justified and in accordance with national planning policy?

Policy DM14 states that - Development will be permitted where opportunities for the provision of additional green infrastructure have been fully considered and would be provided where justified by the character of the area or the need for outdoor playing space. Green infrastructure provided as part of new development should incorporate features to encourage biodiversity and retain or, where possible, enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and ecological corridors should, where practical and appropriate, form an essential component of green infrastructure provision to ensure habitat connectivity.

Whilst policy DM14 may in some respects be in accordance with national planning policy it is difficult to see how the stated aim of the provision of additional green infrastructure could be achieved with regard to Policy E1. It is encouraging however that policy DM14 does seek to encourage biodiversity and retain or, where possible, enhance existing features of nature conservation value within the site and that ecological corridors and habitat connectivity are considered important.

Policy DM14 goes on to discuss meeting recreational needs and that the existence of outdoor playing space encourages people to adopt an active lifestyle and also helps residents, both young and old, to play and socialise with others.

However, if Lewes District Council were serious with regard to green infrastructure, ecological corridors, habitat connectivity and meeting recreational needs by encouraging people to adopt an active lifestyle and also help residents, both young and old, to play and socialise with others then Lewes District Council would not be proposing to destroy the green infrastructure of the land at Policy E1 in the first instance particularly as at para 4.52 on page 83 of the Submission Document it states that the overall provision of outdoor playing space in the district's towns and villages indicates that most fall below the recommended levels .

5.3 Overall, are the policies dealing with the protection and enhancement of the plan area's natural/heritage assets, including the requirement for ecological impact assessments, sufficiently to meet the requirements of national policy?

In relation to the land at Policy E1 it must be considered very questionable if the policies dealing with the protection and enhancement of the plan area's natural/heritage assets, including the requirement for ecological impact assessments are sufficient to meet the requirements of national policy.

5.4 *Does policy DM25 (Design) ensure sufficient protection of the living conditions (amenities) for both occupiers of existing development and occupiers of proposed new development?*

Whilst policy DM25 lists many criteria such as to siting, layout, density, orientation, landscape treatment, scale, form, height, massing, and that proportions are compatible with existing buildings, building lines, roofscapes and skylines it is difficult to see how this can be compatible with what is currently an open aspect undeveloped, unspoilt environment and offers no indication as to how any of those criteria might be measured.

It is welcomed that Policy DM25 promotes the retention of existing individual trees or tree groups that contribute positively to the area but it is difficult to see how there will be no unacceptable adverse impact on the amenities in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels. Again policy DM 25 lists these criteria but offers no indication as to how any of those criteria might be measured.

5.5 *Does policy DM24 (Protection of Biodiversity and Geodiversity) compliant with section 15 of the Framework?*

Policy DM24 states that - Development which would result in damage or loss to a site of biodiversity or geological value of regional or local importance including Local Nature Reserves (LNR), Wildlife Trust Reserves, Local Wildlife Sites, irreplaceable habitats, and habitats and species of principal importance for biodiversity, will only be permitted where the benefits of the development clearly outweigh the damage to the conservation interest of the site and any loss can be mitigated to achieve a net gain in biodiversity and/or geodiversity.

Development of the land at Policy E1 would result in damage or loss to a site of biodiversity value of regional and local importance. The land at Policy E1 is a Local Wildlife Site which is part of the Unesco World Biosphere. Given that both the Submission Document at para 3.3 on page 56 of the Employment Site Allocations and the study conducted by Newhaven Town Council concluded that there is no requirement in quantitative terms to allocate additional sites for employment purposes it cannot be demonstrated that the benefits of development of the land at Policy E1 clearly outweigh the damage to the conservation interest of the site.

To further demonstrate that the land at Policy E1 is not needed as employment land new rules took effect in Newhaven towards the end of 2018 withdrawing permitted development rights for change of use from office and light industry to residential use.

These new rules further reduce the need for additional employment land in Newhaven such as the proposed land at Policy E1 as existing employment sites within the Newhaven Enterprise Zone would now be safeguarded under these new rules.

Thus the Lewes District Council Local Plan Part 2 has been overtaken by events in this regard.

5.6 *Is policy DM22 (Noise) justified and in accordance with national policy?*

Policy DM22 is about Water Resources and Water Quality, it is Policy DM23 that relates to Noise. Both of these issues are very relevant to the land at Policy E1.

Water Resources and Water Quality

Policy DM22 discusses Water Resources and Water Quality and makes reference to River Ouse and the Sea. As well as possible water pollution issues there is also the risk of flooding.

There could be potential water pollution problems from any development of the land at Policy E1 by water runoff into Mill Creek, the River Ouse or the Sea.

There is reference in the para 3.7 on page 59 of the Submission Document to new flood defences in Newhaven but these new flood defences protect the town centre near to Newhaven Swing Bridge, they have no beneficial effect as regards the land at Policy E1. Due regard to the flood risk with regard to the land at Policy E1 has not properly been explored. It appears to be highly questionable as to whether Lewes District Council has undertaken any proper flood risk analysis with regard to the land at Policy E1.

5.7 *Is coastal erosion an issue within the plan area, and if so, should it be addressed by a policy?*

Coastal Erosion is an ongoing problem along the entire length of Seaford Bay. The Environment Agency has a regular program of reinstating the beach shingle along the entire length of Seaford Bay from Tide Mills to Seaford Head.

5.8 *Does the Plan satisfactorily address the issue of climate change?*

There is little reference to climate change within the Submission Document or the Sustainability Assessment. The plan has reference to Sustainable Travel with specific reference to Footpaths etc. in DM35 and to Station Parking in DM36 but these policies are worded in such a way as to allow for development on those sites and not to encourage the expansion or use of those facilities as you might expect if there was a real concern within Lewes District Council regarding climate change.

Noise

Policy DM23 discusses Noise. Given the open unspoilt undeveloped nature of the land at Policy E1 any introduction of possible noise pollution would be unacceptable and would create an impact that will adversely affect the amenity of the area.

Matter 6 - Are the policies to manage and promote the Local Economy and Employment Areas and Allocations sound?

6.1 *Is the policy framework in the Plan for **employment land provision**, which includes policies E1, for land at East Quay, Newhaven, and E2, for land adjacent to American Express Community Stadium, Village Way, Falmer, together with the approach for sustainable economic growth in core policy 4 in Part 1 of the development plan, and the policies in this*

Plan (DM 9, 10 and 11) for rural areas, justified and realistic to meet the plan area's economic needs during the plan period?

Policy DM9 discusses Farm Diversification. The land at Policy E1 is not farm land.

Policy DM10 discusses Employment Development in the Countryside. This policy discusses the reuse or redevelopment of existing farm buildings which does not apply to the land at Policy E1.

Policy DM11 discusses Existing Employment Sites in the Countryside which again does not apply to the land at Policy E1. The only Existing Employment Sites within the land at Policy E1 are those within the existing harbour eastern boundary.

Lewes District Council cite the regeneration aspirations of Core Policy 4 when suggesting the land at Policy E1 but this land is out of town and much of it is outside the Newhaven Enterprise Zone. Any development on this land would be 'out of town' development that would have no effect on regenerating Newhaven Town thus for the land at Policy E1 the policy framework in the Plan for employment land provision is not justified and realistic to meet the plan area's economic needs during the plan period.

Lewes District Council admit at para 3.3 of the Employment Site Allocations on page 56 of the Submission Document that there is no requirement in quantitative terms to allocate additional sites for employment purposes.

This is further demonstrated by the Newhaven Town Council study that identified no need for additional employment sites within Newhaven.

To still further demonstrate that the land at Policy E1 is not justified and realistic to meet the plan area's economic needs during the plan period as employment land new rules took effect in Newhaven towards the end of 2018, withdrawing permitted development rights for change of use from office and light industry to residential use.

These new rules further reduce the need for additional employment land in Newhaven such as the proposed land at Policy E1 as existing employment sites within the Newhaven Enterprise Zone would now be safeguarded under these new rules.

Thus the Lewes District Council Local Plan Part 2 has been overtaken by events in this regard.

6.2 *Regarding policy E1, for land at East Quay, Newhaven:*

(i) The site is located within and adjacent to Tide Mills shingle beach/distinctive wildlife area, and close to the South Downs National Park. In addition to its sensitivity in terms of its biodiversity and landscape, the site is also part of an area which is used for recreational and leisure purposes and functions as a tourism/visitor attraction.

(ii) Given this background, (a) what is the evidence to support the need for the proposed employment development (such as a business plan and any employment land need studies)? (b) if there is a need for more employment

land, which other sites were considered? (c) is the policy supported by the SA and HRA?

Given this background,

(a) There is no evidence to support the need for the proposed employment development (such as a business plan and any employment land need studies). The Submission Document at Para 3.3 on page 56 states that - Consequently, there is no requirement in quantitative terms to allocate additional sites for employment purposes in the Local Plan Part 2.

(b) As indicated above, there is no need for more employment land but three sites were considered in the Sustainability Assessment. Option A at Balcombe Pit, Glynde, Option B Land Adjacent to American Express Community Stadium, Falmer and Option C Land at East Quay, Newhaven Port. Of those sites the two selected for inclusion in the Submission Document are Option B Land Adjacent to American Express Community Stadium which became Policy E2 and Option C Land at East Quay, Newhaven Port which became Policy E1.

(c) All three sites feature in the Sustainability Assessment and of those three sites Policy E1 had the poorest score when measured against the 18 objectives of the Sustainability Assessment. At Table 36 on page 80 of the Sustainability Assessment Option A scored one Likely significant positive effect, one Likely positive effect and one Likely negative effect. Option B scored one Likely significant positive effect and three Likely positive effect whilst Option C scored two Likely positive effect and three Likely negative effect. Thus Option C – Policy E1 – has the poorest overall score when measured against the 18 objectives of the Sustainability Assessment. None of the sites considered feature in a Habitat Regulations Assessment.

(iii) Have any constraints to effective development of the policy, such as the construction of the port access road, been overcome? Is the date of 2020 in the Plan for the completion of the road aspirational? Have the flood risk issues been satisfactorily addressed in the Plan? How critical are other potential adverse factors, such as air and noise pollution, traffic congestion and impact on the marine environment?

Work on the extension onto Tide Mills of the Newhaven Port Access Road has recently commenced. Whether a completion date of 2020 is realistic is open to debate. It must be viewed as questionable that East Sussex County Council cited opening up potential development land on Tide Mills as part of the East Sussex County Council business case for the funding for the road extension as the East Sussex County Council business case predated the consultation of the Lewes District Council Local Plan Part 2. The question must be asked as to whether it is really East Sussex County Council that is driving Policy E1 to justify their business case for the Newhaven Port Access Road rather than there being an employment land need as suggested by the Lewes District Council Local Plan Part 2.

The Planning Inspectorate Guide Notes at para. 1.15 on page 13 states that - Evidence base documents relating to retail, employment & housing that date from 3 or more years

before the submission date are at risk of having been overtaken by events, particularly as they may rely on data that is even older.

This is certainly true of the Newhaven Port Access Road which East Sussex County Council gave East Sussex County Council planning permission for back in 1996. The renewals of this planning permission are all many years old and predate the advent of the South Downs National Park for example but East Sussex County Council have always remained adamant that the planning permission is extant and have repeatedly refused to consider any review of the planning permission.

(iv) What are the arguments which tip the sustainable balance in favour of employment development rather than keeping the site undeveloped to protect its wildlife and recreation, leisure potential, tourism/visitor attraction and its potential harmful impact on the setting of the National Park?

There are no arguments which tip the sustainable balance in favour of employment development rather than keeping the site undeveloped to protect its wildlife and recreation, leisure potential, tourism/visitor attraction and its potential harmful impact on the setting of the National Park.

The Submission Document at Para 3.3 on page 56 states that - Consequently, there is no requirement in quantitative terms to allocate additional sites for employment purposes in the Local Plan Part 2.

This is further demonstrated by the Newhaven Town Council study that identified no need for additional employment sites within Newhaven.

To still further demonstrate that the land at Policy E1 is not justified and realistic to meet the plan area's economic needs during the plan period as employment land new rules took effect in Newhaven towards the end of 2018, withdrawing permitted development rights for change of use from office and light industry to residential use.

These new rules further reduce the need for additional employment land in Newhaven such as the proposed land at Policy E1 as existing employment sites within the Newhaven Enterprise Zone would now be safeguarded under these new rules.

Thus the Lewes District Council Local Plan Part 2 has been overtaken by events in this regard.

The land at Policy E1 should be kept undeveloped to protect its wildlife and recreation, leisure potential, tourism/visitor attraction and prevent any potential harmful impact on the setting of the National Park. There is also the Secretary of States Coastal Path project, the UNESCO World Biosphere aspects and the heritage assets of the Internationally Recognised Vegetated Shingle, the War Time Sea Plane Base and the Site of Marconi's First Cross Channel Radio Station on the land at Policy E1 to consider.

(v) Based on the outcome of the arguments in (iv) above, is there a sustainable case for reducing the extent of the proposed employment land, to secure an 'appropriate' balance between conserving the biodiversity of the

site, its landscape character, the setting of the National Park and the recreation and employment use?

There is definitely a sustainable case for reducing the extent of the proposed employment land at Policy E1 to secure an 'appropriate' balance between conserving the biodiversity of the site, its landscape character, the setting of the National Park and the recreation uses as opposed to employment use.

The land at the western end of Policy E1 is within the existing Newhaven Harbour boundary and as such is also within the Newhaven Enterprise Zone. This section of land within the Newhaven Harbour boundary is currently underused and there is definite scope for development on that section of Policy E1.

The most environmental and ecological outcome would be to limit development of Policy E1 to the area that is within the existing Newhaven Harbour boundary.

However, given that the Newhaven Port Access Road extension will occupy the land immediately adjacent to the existing eastern boundary of Newhaven Harbour that in itself will occupy some land within Policy E1.

A possible compromise situation would be to adopt the same principal as with the already completed section of Newhaven Port Access Road that is north of Mill Creek and the Newhaven to Seaford Railway Line whereby any development would be to the west of the Newhaven Port Access Road and the South Downs National Park and the Ouse Valley Nature Reserve are to the east.

In short, the Newhaven Port Access Road extension onto Tide Mills would become the eastern boundary of Policy E1. Thus all development would then be to the west of the Newhaven Port Access Road extension on Tide Mills.

Such a compromise would remove the eastern section and the beach area from Policy E1 and would maximise on saving the balance between conserving the biodiversity of the site, its landscape character, the setting of the National Park and the recreation uses whilst also maintaining the Strategic Gap between Newhaven and Seaford.

As we are the custodians of the environment for future generations formal recognised protection should then be enacted to ensure that there can be no development creep on the land on Tide Mills south and east of the Newhaven Port Access Road extension.

Matter 7 – Are the Transport, Infrastructure, Implementation, and Monitoring provisions of the Plan sound?

7.1 Are there any necessary infrastructure needs that are not addressed in the Plan and the IDP?

The A259 Newhaven to Seaford road is a major bottleneck experiencing gridlock at certain times of the day. The Newhaven Port Access Road will join the A259 at the already

congested McDonalds Roundabout in Newhaven. There will not be sufficient road traffic capacity to cater for large scale employment development at Policy E1.

7.3 In view of ESCC the Highways Authorities comments, can the 2018 IDP be relied upon to support specific allocations in the Plan?

As answered at 7.1 - The A259 Newhaven to Seaford road is a major bottleneck experiencing gridlock at certain times of the day. The Newhaven Port Access Road will join the A259 at the already congested McDonalds Roundabout in Newhaven. An additional bottleneck is caused by the opening of the Newhaven Swing Bridge. The Newhaven One Way System is also a major traffic jam location at peak times of the day. There will not be sufficient road traffic capacity to cater for large scale employment development at Policy E1.

7.4 Should the Plan include a policy covering Electric Vehicle Charging Points (EVCPs)?

There should be more emphasis on green technology and *Electric Vehicle Charging Points (EVCPs)*

7.5 The Environment Agency expresses concern that it is not immediately apparent that a sequential test has been undertaken by the Council regarding flood risk. Has agreement subsequently been reached on the acceptability of sites proposed for the housing and other uses in the Plan?

There must be a question about flood risk assessment in relation to Policy E1. What evidence can Lewes District Council show of effective flood prevention studies specifically in relation to the land at Policy E1?

7.7 How serious are the problems of connectivity, for example along the A259 coastal route, and should the Plan include specific policies to address this issue?

As at 7.1 and 7.3 there must be major concerns regarding the A259, particularly at peak times of the day and at Newhaven Swing Bridge opening times when the A259 becomes gridlocked. Policy E1 has the potential to significantly increase road traffic locally if it was to be implemented as in the Local Plan Part 2. There is not the capacity for any additional road traffic. There is also the risk of increased air pollution caused by any additional traffic. Newhaven is already an Air Quality Management Zone due to air pollution problems.

7.8 Is policy DM36 (station parking) justified and appropriately worded?

There is very poor provision for Station Parking at the railway stations local to the land at Policy E1. What Station Parking there is is already used to capacity. If Policy E1 was to be implemented as in the Local Plan Part 2 local railway station parking would be totally inadequate. Policy DM36 does nothing to improve Station Parking capacity. It simply says that development on existing parking space may not be permitted.

7.9 *Is policy DM35 (footpath, cycle and bridleway network) justified and effective?*

Policy DM35 is not effective in that it states that - Development that would have a harmful impact on the convenience, safety or amenity value of the existing or proposed footpath, cycle or bridleway network will only be permitted where this impact can be satisfactorily mitigated or an alternative facility of equivalent or improved quality would be delivered as part of the development.

In relation to the proposed development of the land at Policy E1, any development would destroy the existing footpath network, would have a harmful impact on the convenience, safety or amenity value of the existing or proposed footpaths including the part of the Round Britain Coastal Footpath proposed by the Secretary of State that would run from Brighton to Eastbourne which would transverse the Unesco World Biosphere land at Policy E1.

Matter 8 – Are the Plan’s provisions for planning boundaries in policy DM1 justified and effective?

Policy DM1 states that - Within the planning boundaries, as defined on the Policies Map, new development will be permitted provided that it is in accordance with other policies and proposals in the development plan.

Policy DM1 continues - Outside the planning boundaries, the distinctive character and quality of the countryside will be protected and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.

Policy DM1 is far from effective as the wording - new development will be permitted provided that it is in accordance with other policies and proposals in the development plan – is sufficiently loose as to not protect sites of a highly sensitive, environmentally and ecologically vulnerable nature such as the land at Policy E1.

8.1 *Is the policy sufficiently focused on protecting vulnerable gaps of countryside between settlements?*

I was told by a Senior Planning Officer at Lewes District Council many years ago that Lewes District Council had a policy to maintain the Strategic Gap between Newhaven and Seaford to prevent the two towns from merging.

Policy DM1 does nothing to protect this Strategic Gap and if the wording of Policy DM1 is used to facilitate the development of the land at Policy E1 as suggested by the statement - new development will be permitted provided that it is in accordance with other policies and proposals in the development plan - then Policy DM1 is allowing the destruction of the Strategic Gap between the two settlements.

8.3 *Should the policy be extended to some of the larger settlements, such as Newhaven, Seaford and Peacehaven?*

As in the answer above to 8.1 there is a need to protect the Strategic Gap between Newhaven and Seaford

Matter 9 – Development Management, Uncertainties and Risks

9.7 ***Other matters:*** *Do any of the other development management policies require scrutiny in this Examination?*

Policy DM18 states that - Recreation and Rivers Development proposals for recreational use on the River Ouse, its margins and associated wetlands (as defined on the Policies Map) will be permitted where it can be demonstrated that there would be no adverse impact, either directly or indirectly, on their quiet and natural character, wildlife or geological features or on the natural functioning of the river and associated wetlands.

If, as Lewes District Council suggest, that Policy E1 is Land at East Quay Newhaven, then Policy E1 by definition must be considered as being in the margins of the River Ouse. Thus the proposed development of the Local Wildlife Site and adjacent Seaford Bay Beach as set out in Policy E1 would cause adverse impact, either directly or indirectly, on their quiet and natural character, wildlife or geological features of the land at Policy E1. So quoting from Policy DM18 - How does Lewes District Council propose to demonstrate that there would be no adverse impact, either directly or indirectly, on their quiet and natural character, wildlife or geological features or on the natural functioning of the river and associated wetlands, i.e., the land at Policy E1?

Matter 10 – Site Allocations in the Plan

10.2 *Are the **Employment Site Allocations** acceptable in terms of (a) environmental impact including whether the loss of land currently in local wildlife sites (LWS) is acceptable; (b) impact on the living conditions of existing and/or future residents; (c) whether a safe and acceptable vehicular access can be secured; (d) whether there is a willing land owner(s) for all the land concerned; and (e) any other relevant infrastructure, planning or viability constraints in addition to the Key Development Considerations already set out?*

Policy E1 Land at East Quay, Newhaven Port

With regard to Policy E1

(a) The environmental impact and loss of land currently in the Local Wildlife Site (LWS) would be totally unacceptable for all the reasons quoted in earlier answers. The loss of wildlife habitat, the destruction of the open unspoilt aspect of the western end of Seaford Bay, the destruction of a site which is part of the Unesco World Biosphere, the impact on the Round Britain Coastal Path project etc. etc.

(b)The impact on Seaford Bay, The South Downs National Park and on nearby residential areas would be totally unacceptable.

(c)At this moment in time there is no safe and acceptable vehicular access to the land at Policy E1. Construction of the Newhaven Port Access Road extension has recently commenced but the main objective of that new road is to provide new direct access into Newhaven Harbour, hence the name Newhaven Port Access Road.

(d)It is unclear if the land owner supports Policy E1. Newhaven Harbour has planning permission of its own for harbour expansion to the south of the existing harbour, planning permission LW/15/0034 of 2015, not 2016 as claimed in the Local Plan Part 2. The

Newhaven Port Access Road is directly linked to that port expansion project and not to providing access to the land at Policy E1.

(e) There are other relevant infrastructure, planning or viability constraints. The open aspect unspoilt views from the west at the historic Newhaven Fort, the open aspect unspoilt views from the east from anywhere along Seaford Seafront and Seaford Head. The negative impact on the adjacent South Downs National Park. The negative impact on the tourism industry given that Newhaven is supposedly the 'Gateway to the South Downs National Park' for tourists arriving by cross channel ferry. The loss of the wildlife habitat. The erosion of the Strategic Gap between Newhaven and Seaford. The list could go on and on.

Matter 11 – Are there any other issues of soundness which this Examination should cover?

11.1 Are there any other soundness issues which this Examination should cover?

With regard to Policy E1 the main issue is that the land is not 'Land at East Quay, Newhaven Harbour' as the title of Policy E1 would suggest. The land at Policy E1 is land in the TIDE MILLS LOCAL WILDLIFE SITE (LWS) formally known as a Site of Nature Conservation Importance (SNCI) and land on SEAFORD BAY BEACH. If the distance from the quayside at East Quay, Newhaven Harbour to the land at Policy E1 is measured on an Ordnance Survey Map the distance is over half a kilometre away and apart from the area of Policy E1 that falls within the existing harbour boundary fence the majority of the land at Policy E1 is outside the Newhaven Enterprise Zone.

There are many errors, contradictions and misleading statements in the Submission Document and the Sustainability Assessment in relation to Policy E1.

Firstly, the documents refer to the land labelled Area E1 as land at East Quay Newhaven Port. This is inaccurate as the land is actually land at Tide Mills and Seaford Bay Beach and not at the East Quay, Newhaven.

Submission Document para 3.11 on page 58 talks about safeguarded berths etc. for minerals importation and processing implying that East Quay is a safeguarded berth. This is incorrect. The safeguarded berth in the East Sussex County Council Waste and Minerals Plan is Newhaven North Quay.

Submission Document para 3.12 talks about the Newhaven Port and Properties (NPP) Masterplan which promotes Clean Green activities and Renewable Energy. Newhaven has the Rampion Wind Farm operation but the pre-existing scrap metal mountain and now the Brett Aggregates and Ready Mixed Concrete activities are far from Clean Green activities or anything to do with Renewable Energy.

Submission Document para 3.13 talks about the harbour expansion plans which are now underway south of the East Quay, however the statement is incorrect in that the planning permission was not 2016, it was 2015 - LW/15/0034

Submission Document para 3.14 talks about the large undeveloped area of land north east of the current harbour expansion as being considered suitable for future expansion of port related activities. However, neither the Lewes District Council Local Plan Part 1 nor Part 2

offers any definition of Port Related Activities. The phrase that Newhaven is a working port is often used by many people. I have no problem with Newhaven being a working port, Ships, Fishing Boats, Cargo and Passengers are all welcomed. The problem that Newhaven Harbour has is that it doesn't know if it wants to be a port or an industrial estate. Since when was Ready Mixed Concrete or a Medical Waste Incinerator a Port Related Activity for example? They could be sited on any Industrial Estate.

Submission Document para 3.15 talks about much of the area being previously allocated in Saved Policy NH20 of the Lewes District Local Plan 2003. This is a misleading statement as Policy NH20 is very specific as to the use of such land. Policy NH20 states - Encroachment onto land between Mill Creek and the former railway line may be permitted (to the minimum extent necessary) if it can be demonstrated to be essential to the expansion of the port in order to support the continuing operation of a modern cross-channel passenger and freight vehicle ferry service. In such event planning permission will only be granted for open storage uses, including vehicle and trailer parking. Any planning permission would be dependent on acceptable measures being taken to minimise the visibility and impact of the use through the design of any lighting, fencing, earth bunds and other features.

Thus Policy E1 has little in common with Saved Policy NH20.

Since Saved Policy NH20 dates from 2003 the question must be asked as to whether it is even relevant in 2019 given that The Planning Inspectorate Guide Notes at para. 1.15 on page 13 states that - Evidence base documents relating to retail, employment & housing that date from 3 or more years before the submission date are at risk of having been overtaken by events, particularly as they may rely on data that is even older.

That is certainly true of Saved Policy NH20.

Saved Policy NH20 goes back to the days when Newhaven had two conventional ferries and a fast ferry making a total of six sailings a day. Now Newhaven has one conventional ferry making two sailings a day during the winter and two conventional ferries making a total of three sailings a day in the summer.

Saved Policy NH20 talked about port related activity and the cross channel ferry service etc. Policy E1 doesn't mention any of that and even worse, is sufficiently vague in saying - Land at East Quay, as defined on the Policies Map, is allocated for employment uses associated with Newhaven Port. This is very significant as much of the existing employment uses within Newhaven Port are of a general industrial estate nature but could be said to be associated with Newhaven Port, however they are not port related in any way.

Policy E1 does not make the same reference as Saved Policy NH20 to being essential to the expansion of the port in order to support the continuing operation of a modern cross-channel passenger and freight vehicle ferry service and does not make any reference to being to the minimum extent necessary.

Policy E1 states that - 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 – This suggests that non port related general industry (i.e. , an industrial estate) would be allowed.

The problem has always existed that Newhaven Harbour does not know if it wants to be a port or an industrial estate and consequently tries to do both. There is already much non port related general industry within Newhaven Harbour.

Newhaven Harbour already has planning permission for harbour expansion to the south of the existing harbour (LW/15/0034) which could see the development of a new deep water berth and associated quayside with a new ferry terminal and warehousing. This area was recently fenced off and is currently being used by the Newhaven Port Access Road contractors.

Newhaven Harbour therefor already has the expansion land it needs for the future (LW/15/0034). This would suggest that employment development on the land at Policy E1 would be a speculative venture that in all probability would be of general industry and not be port related.

Given the many errors, contradictions and misleading statements in relation to Policy E1 it must suggest that Policy E1 far from Sound or Sustainable.

The question must also be asked that if Policy E1 has errors, contradictions and misleading statements then are there errors, contradictions and misleading statements in the other policies in the Lewes District Council Local Plan, thus the overriding question must ask if the Lewes District Council Local Plan is Sound and Sustainable.

Geoff King - 11th March 2019