



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

Inspector's Matters, Issues and Questions Discussion Note ID/2

Response on behalf of Harvey & Son (Lewes) Ltd and Nicole Palmer of The Plough PH

Matter 3

Does the Plan deliver the total housing provision set out in Part 1 of the Plan to meet the needs of the Plan area over the plan period in accordance with national policy?

3.7 Gypsies and Travellers:

Is Policy GT01, which allocates a site for the provision of 5 net additional permanent Gypsy and Traveller pitches on land south of The Plough, to the north of Plumpton Green village, justified and in accordance with national planning policy?

Bearing in mind the guidance contained in the National Planning Policy Traveller Sites 2015 (PPTS2) and in Section 41 of the PPG on the relationship between Local Plans and Neighbourhood Plans:

(i) Firstly, is Policy GT01 in conformity with the requirements of Core Policy 3 (Gypsy and Traveller Accommodation) of the Lewes Joint Core Strategy 2010-2030?

1. Core Policy 3 (CP3) – Gypsy and Traveller Accommodation was presented to the EiP Inspector as part of the Lewes District Local Plan – Part 1 – Joint Core Strategy on 19 September 2014. The Inspector's Report of March 2016 states (Paragraph 117) that

"Up to date evidence of gypsy and traveller accommodation needs in East Sussex is available from the 2014 Gypsy and Traveller Accommodation Assessment. This gives a need for 13 net additional permanent pitches in Lewes district to 2030, of which 8 should be within the NP and 5 outside."

2. The Lewes Joint Core Strategy 2010-2030 as adopted by Lewes in May 2016 states at Paragraph 7.30:

"National planning policy for traveller sites²⁴ notes the importance of local planning authorities assessing accommodation needs based on robust evidence to inform the preparation of local plans and planning decisions. An

update²⁵ of accommodation needs for Gypsies, Travellers and Travelling Showpeople has been undertaken for East Sussex.”

3. It is important to read the footnotes referred to in the text. Footnote 24 states “*DCLG Planning policy for traveller sites (March 2012 then August 2015)*”. Although factually correct that at the time the Core Strategy was adopted, the planning policy had been update this was *after* the close of the EiP and the updated guidance was neither part of the Inspector’s consideration of Policy CP3, or any representations that had been submitted in challenge to CP3.
4. Footnote 25 states “*The 2014 Gypsy and Traveller Accommodation Assessment (GTAA) updates the accommodation needs position of the 2005 GTAA.*” Again, this is factually correct but the 2014 GTAA had not been updated to reflect the changes in the policy between March 2012 and August 2015. The basis of the figures relied upon in assessing Policy CP3 at the EiP were therefore based on the assessment criteria set out in 2012 policy for travellers sites, not the 2015 policy. Policy CP3 is therefore out of date. This is further clarified in the earlier Footnote 23 to paragraph 7.29 which states “*For the definition of Gypsies and Travellers, see Appendix 1:Glossary*”. The 2012 definition given is as follows:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

5. Annexe 1: Glossary of the Planning Policy for Travellers as updated in August 2015 has made a small but important change which is to remove the term “...*or permanently*” (as underlined above). Whilst only a minor change, other Local Authorities have taken the change in definition to be a signal that a re-assessment of need is required to ensure that their figures are robust and defensible and have been scrutinised through local consultation. Lewes District Council has not done this. In addition, the Glossary sets out further considerations that should be taken into account when determining whether persons can be considered to fit within this definition “amongst other relevant matters..”. These are as follows:

*“a) whether they previously led a nomadic habit of life
b) the reasons for ceasing their nomadic habit of life
c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”*

6. The GTAA carried out in 2014 would not have taken these additional matters into consideration when assessing need. The GTAA 2014 was the basis of the figures discussed and then adopted under Policy CP3. The basis of that assessment has now moved on with the changed definition and required assessment in the 2015 Planning Policy. Therefore, whilst the Lewes District Local Plan Part 2: Site Allocations and Development Management document has simply continued to rely on Policy CP3 and its underlying evidence base, that evidence base is now outdated and does not comply with Planning Policy on Travellers (PPTS2) and as such CP3 is out of date. To simply

continue to repeat the figures without a proper, robust re-assessment of need against the PPTS2 is to deny the local community the ability to challenge the basis of the policy. There should therefore be no site specific allocation until a detailed, updated and robust assessment has established the level of need against the new definition.

7. Guidance states that a Plan should be found “unsound” if insufficient evidence has been gathered in support of the policies in it. On the basis of a reliance on out of date evidence and issues with CP3, the Plan is unsound, no allocations should be made in reliance on CP3 and Policy GT01 is unjustified.

(ii) If Policy GT01 does not accord with Core Policy 3, has the Council considered alternative sites as part of the preparation of the Plan?

1. The Key Strategic Objectives of Core Policy 3 are stated as to deliver the homes and accommodation for the needs of the district and ensure the housing growth requirements are accommodated *in the most sustainable way, and to maximise opportunities for re-using suitable previously developed land* and to plan for new development in the *highly sustainable locations without adversely affecting the character of the area*. Such requirements are carried through to the criteria of Policy CP3.
2. The original submission objecting to the allocation of the GT01 has set out the background to the allocation of the site and how it had been rejected as unsuitable at several stages in the consideration of sites to meet the need in CP3. We consider the alternative sites have not been considered fully. Some of the assessment has not been robust and some of the selection criteria and then reasons for rejecting a site have been obscure. Some sites that scored well, that also had the benefit of being owned by the County Council, were not pursued and then the land was sold. Having looked at the way the LA went about the allocation on GT01 we are of the opinion that the site selection process has not been robust, does not accord with SEA obligations and does not comply with the Key Objectives of CP3 or criterion 2, 4 or 6 of CP3 as explored in more detail in our original submission.
3. The LA has not considered the most sustainable sites; it has not maximised opportunities for the re-use of suitable previously developed land; it has not focused its search on highly sustainable locations and it has not considered the impact of the allocation on the character of the local area. As is evidenced by the weight of local opposition to the GT01 allocation, it is the conclusion that the LA has simply allocated GT01 not because it is the *best site* but because it is *the only site*. To proceed with a Local Plan without an allocation would undoubtedly have left the LA open to criticism for not identifying any sites but as commented on above, the assessment to arrive at GT01 is flawed.
4. Indeed, the LA was criticised by the Inspector in his report on the EiP into the Joint Core Strategy regarding the identification of suitable housing sites and stated (paragraph 26 – Inspectors Report March 2016) :

“...many respondents expressed serious doubts that the Council had in fact sought and identified in the submitted plan as many suitable and appropriate sites for new housing as possible that are realistically deliverable in sustainable locations across the plan area..... I have shared some of these concerns during the examination process,

as reflected in my preliminary findings, including that the Council had not left “no stone unturned”.

5. It is for the Inspector to make his own conclusions as part of the examination of Part 2 of the Plan but whether the LA has in the case of alternative gypsy and traveller sites “left no stone unturned”, the evidence does not suggest that has been the case. As such GT01 should not be allocated until a proper assessment has been carried out that is SEA compliant and following a comprehensive engagement with stakeholders, including the gypsy and travellers community, to establish their land ownership; landowners, land agents and other professionals involved in the development and promotion of land, SHELAA sites and the brownfield land register.
6. Until this is carried out, the basis of the number of pitches required in the District is flawed and it would be inappropriate to allocate a specific site on the basis of flawed information, more so when the site in question is unsustainable and isolated. It is unrelated to any existing traveller community (and separate from the village and with poor public transport provision and no footpath access). In addition, we understand the GT01 site will have to be purchased from the current land owner using public money and we are not aware that a price has even been agreed. There are too many unknowns and uncertainties for this site to be a confirmed allocation.

(iii) How does Policy GT01 relate to the Plumpton Neighbourhood Plan (PNP) (including the spatial plan for the Parish) and the advice in the Government’s National Planning Policy for Traveller Sites 2015.

1. The Plumpton Neighbourhood Plan January 2018 was adopted by Lewes District Council on 2nd May 2018. It had been designated as a Neighbourhood Area by the LA in April 2014. The LA required Plumpton Green to provide a minimum of 50 housing units during the plan period to 2030. In the Plan these are allocated as small-scale sites in the centre of Plumpton Green (totalling around 68 dwellings). The criteria for these allocations is that they:
 - *are low in density;*
 - *retain the rural character of the village;*
 - *protect existing landscape and natural features;*
 - *allow easy access to village amenities; and*
 - *maintain the ‘green gap’ to the north that is so important to many residents.*
2. Although during the timescale of the development of the PPNP “Site I” (Land between The Plough and the Old Brickworks) had been assessed as a potential gypsy and traveller site in the Parker Dann study (and rejected under the criteria), it was not even recommended by the LA that the Parish identify, acknowledge, consult on or even explore the possibility of a gypsy and traveller site within their Parish. Had they applied the same criteria to finding such a site as they did to their housing allocations, the GT01 site would fail on each criteria.
3. The GT01 allocation does not fit with the aspirations of the PPNP. The Parish is situated in a predominantly rural setting and is surrounded by farmland to the north,

east and west, and the South Downs to the south. With a current population of approximately 1,650 residents, it supports “a thriving community with many social clubs and societies in a much beloved environment rich in wildlife and beauty” (paragraph 2.8).

4. The Parish also benefits from a primary school, a shop with post office and three public houses. These are The Half Moon Inn in the south of the Parish, The Fountain, on Station Road in the centre of the village and outside the village and to the north is The Plough PH, owned by Harveys with Nicola Palmer as the tenant. There was a fourth pub in the centre of the village (The Winning Post) but this closed due to lack of trade and has since been converted into residential properties.
5. One of the key aims of the PPNP is to “seek to protect important community assets so that they remain available to the community.” Policy 6 states that “development proposals that result in the loss of an existing employment or business use will be resisted..”. As set out in more detail in the original objection to GT01, The Plough PH is an important local business and employer and is also an asset to the wider community. Pubs are finding it increasingly difficult to operate in the current economic climate even without the added pressure of the proposed allocation of GT01 in the adjoining field. Just the knowledge of the proximity of the GT01 site to the pub has already impacted trade.
6. The identification of any land for gypsy and traveller use is a sensitive matter and generates concern in the community. There is a requirement for the LA to seek promote a peaceful and integrated co-existence between the allocation and the local community but, rightly or wrongly, even the perception of the impact of the GT01 allocation has already had a profound negative impact on the trade at The Plough. Even the use of “The Plough” as a means of identifying where the GT01 site is located has affected trade. The Plough is an important local business and the supportive policies in the PPNP count for nothing in the face of an allocation which has a high risk of closing the pub and so losing an important community asset. This is not hollow speculation, Harveys has direct experience of similar allocations and uses having had that very impact on what were once viable businesses that were forced to close due to loss of trade.
7. Recognising that most local employment is provided by Plumpton College, Plumpton Racecourse and small businesses on two commercial estates the policies in the PPNP are intended to offer local businesses the support they need to grow. One of these local businesses is The Old Brickworks. It is a thriving business community of 21 businesses employing 50 people that has been built up over the past 60 years. Over the years it has been landscaped and converted from a semi-derelict chicken farm into a well-managed site compatible with its rural surroundings. Whilst sensitive to its neighbours, it is an active site. There are many traffic movements to and from the site on an average day. There is also vehicle activity within the site with forklift trucks operating. Sometimes doors are left open in warm weather and noise from the machinery can be an issue. Existing tenants, have already indicated the perception of

the potential impact of GT01 site will require them to change their current practices. This will incur additional cost and ultimately impact on viability. The supportive policies in the PPNP cannot prevent or control this impact.

8. The GT01 site is planned to be located immediately to the north of The Old Brickworks in an open field. There are potential drainage issues due to the topography. Part of the GT01 site is known to suffer from poor drainage and the change in surface from grass to concrete to facilitate the GT01 use will only exacerbate these issues. There is known to be an issue with local groundwater flooding in poor weather and this pools around the entrance to The Old Brickworks. Policy 4 of the PPNP would require an appropriate solution to address such issues and concerns.
9. Policy 1 in the PPNP concerns the spatial plan for the Parish. It clearly states that development outside the planning boundary will not be supported if it individually or cumulatively results in coalescence and the loss of the separation between and distinct identities of neighbouring settlements and/or alters the spatial character and views of the landscape, notably from the SDNP. GT01 is located outside the planning boundary for the village and its site, if developed, it would extend development to the north of the Parish which would alter the special character of the landscape and adversely impact views of and to the landscape from the SDNP. As such it conflicts with Polic1 in the PPNP.
10. Policy 3 relates to landscape and biodiversity. It states that layout and landscape schemes of new development should be informed by the landscape character of the area, seek to achieve landscape and biodiversity enhancements. As set out in more detail in the representations prepared by Parker Dann on behalf of the Plumpton Action Group, there are issues with the proposed access to the GT01 site. The required sight line crosses third party land. In order to create a technically appropriate access a substantial portion of the existing hedgerow would need to be removed. This would conflict with Policy 3 as well as other policies in Part 2 of the Local Plan being considered at this examination.
11. The proposed GT01 allocation is therefore in conflict with the PPNP. It is also in direct conflict with Local Plan Part 1 - Core Policy 4 in terms of safeguarding and encouraging existing employment and supporting economic growth in rural areas and Core Policy 6 in terms of supporting the rural economy and supporting local shops and community facilities. The GT01 allocation will lead to the loss of an important community facility at The Plough, and impact other local businesses.
12. Planning is so often about balancing different interests. In the allocation of GT01, the local community and local businesses consider the balance has been skewed in favour of a sub-standard site that is only allocated because it is the only site left to allocate, not because it is the best site. As covered in the existing statement and summarised above, the basis of the assessment that has led to the GT01 allocation does not comply with the PPTS2. It is an unsustainable site in open countryside away from a settlement. It does not have due regard to the protection of local amenity and local environmental capacity.

(iv) Given the national policy requirement to provide for the needs of the gypsy and traveller community, in the event of Policy GT01 being found unsound and no alternative sites currently “on the table”, how should the Plan be modified to address this issue? One possible option would be to commit to an early review of the Plan to address the need for gypsy and traveller sites; in addition, another modification could comprise a set of development management criteria to give the Council a consistent set of parameters to assess any future planning applications for gypsy and traveller sites.

1. We agree with the approach proposed by the Plumpton Action Group that GT01 is an unsound allocation and should be deleted. There should however be a commitment to produce a separate Gypsy and Traveller DPD. This should be informed by a new GTAA carried out using the guidance in the PPTS2. If this identifies a need for additional pitches that cannot be provided by expanding existing provision then there should be a proper, robust search for sites involving all appropriate stakeholders in the gypsy and traveller community and with the proper involvement of local businesses and the local community.

(Total words – 2956)



Diane J Aldridge BA(Hons) MRTPI
Director
DJA Planning
Lunge Haven Studio
Station Road
Hellingly
East Sussex
BN27 4EU

07988723077
djaplanning@outlook.com
www.djaplanning.com