

NEWHAVEN NEIGHBOURHOOD PLAN 2017-2030

Report to Lewes District Council of the Independent Examination

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1. Executive Summary

1. I was appointed by Lewes District Council with the support of Newhaven Town Council to carry out the independent examination of the Newhaven Neighbourhood Plan.

2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Newhaven. It is based on an effective programme of public consultation which has informed a Vision and seven Objectives for the Neighbourhood Area. These are translated into planning policies dealing with issues distinct to the locality. They are supported by other aspirations which go beyond the scope of the neighbourhood plan, including a programme of "quick win" projects. The Plan is supported by a Consultation Statement, Basic Conditions Statement, a Sustainability Appraisal and Habitats Regulations Assessment reports. There is significant supporting evidence provided on most aspects of the Plan including primary evidence produced during the Plan's preparation. There is good evidence of community support and the involvement of the local planning authority.

4. I have considered the 15 representations made on the submitted Plan and addressed them in this report as appropriate.

5. Subject to the recommended modifications set out in this report I conclude that the Newhaven Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a small number of additional recommendations.

6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area.

2. Introduction

7. This report sets out the findings of my independent examination of the Newhaven Neighbourhood Plan. The Plan was submitted to Lewes District Council by Newhaven Town Council as the Qualifying Body.

8. I was appointed as the independent examiner of the Newhaven Neighbourhood Plan by Lewes District Council with the agreement of Newhaven Town Council. My selection was facilitated by the Neighbourhood Planning Independent Examiner Referral Service.

9. I am independent of both Newhaven Town Council and Lewes District Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the Neighbourhood Plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on the Plan addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations, including the Conservation of Habitats and Species Regulations 2017.

12. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Newhaven Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- the Sustainability Appraisal and responses
- the Habitat Regulations Assessment screening report and responses
- Lewes Local Plan Part 2 & Neighbourhood Plans Habitats Regulations Assessment
- relevant parts of the development plan for the neighbourhood area (Joint Core Strategy 2016)
- emerging development plan policies for the neighbourhood area (Lewes Site Allocation and Development Management Policies, South Downs Local Plan)
- representations made on the submitted neighbourhood plan
- relevant material held on Newhaven Town Council and Lewes District Council's websites
- National Planning Policy Framework, 2012 & 2018
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Newhaven Neighbourhood Plan was submitted on 11 January 2019. The revised National Planning Policy Framework (2018) states that *"the policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019"* (paragraph 214). I have therefore examined the Newhaven Neighbourhood Plan in relation to the 2012 Framework.

15. Having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a public hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a warm May weekday. I walked around Newhaven town centre and all the main locations identified in the Plan including Avis Way Industrial Estate, Denton Island, West Beach, Eastside, the two proposed Local Green Spaces, Lewes Road Recreation Ground and the proposed site allocations. The distinct character of different parts of Newhaven was very evident during my visit, with significant residential areas, a small number of important areas of open space and significant areas with potential for environmental and other improvements through new development.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in “speech marks”. Modifications are also recommended to some parts of the supporting text. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets].

18. Producing the Newhaven Neighbourhood Plan has clearly involved significant effort by a wide range of people and organisations, led by the volunteer Steering Group established by Newhaven Town Council and involving a majority a local residents. There is evidence of collaboration with Lewes District Council and this will continue to be important in ensuring delivery of the Plan. I should like to congratulate all those who have worked so hard over a long period of time to prepare the Plan and to thank the officers at Lewes District Council and Newhaven Town Council who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

19. I am required to check compliance of the Plan with a number of matters.

Qualifying body

20. I am satisfied that the Plan has been prepared by a suitable Qualifying Body – Newhaven Town Council – which being a town council is the only organisation that can prepare a neighbourhood plan for the area.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area and that this does not overlap with any other designated neighbourhood area. The Newhaven Neighbourhood Area was agreed by Lewes District Council on 8 July 2013. It covers the whole of Newhaven Town with the exception of the port. This was excluded at the time of designation. The neighbourhood area includes a small part of the South Downs National Park which is the responsibility of the South Downs National Park Authority. Lewes District Council is the lead planning authority for the purposes of the neighbourhood plan.

22. Day Group Limited has made representations that some land in its ownership is in the neighbourhood area and some lies outside. These representations relate to the designation of the neighbourhood area and not the content of the Plan. I share its concerns about the quality of the mapping depicting the boundary.

23. A map of the neighbourhood area is included in the Plan and the Basic Conditions Statement. The boundary is not the same as the map accompanying the decision notice on Lewes District Council's website and there are notable differences around Newhaven Harbour Station and West Pier.

- Replace the map of the neighbourhood area with that accompanying Lewes District Council’s decision notice on 8 July 2013. For the avoidance of doubt Map 1 in the Basic Conditions Statement should also be amended.
- Provide a map of the neighbourhood area of sufficient quality that the location of the boundary can be determined.

Land use issues

24. I am satisfied that the Plan relates to relevant land use planning issues. I have considered Lewes District Council’s representations that Policy H1 and its accompanying Plan do not relate only to the development and use of land. No further explanation of this objection is provided and the only further comment from Lewes District Council on Policy H1 indicates satisfaction that representations on the pre-submission draft Plan have been addressed.

25. The Plan identifies a significant number of issues which do not relate directly to the development and use of land. These are readily distinguished from the Plan’s policies and usually identified as “Quick Wins” in a separate tinted box or summary table (paragraph 14.12).

Plan period

26. The period of the neighbourhood plan is stated as being from 2017 – 2030 on the cover of the Plan. This is also the length of period considered by the Plan’s Vision and its consideration of the need for new housing in Policy H1. The Basic Conditions Statement refers erroneously to a period of 2018 – 2030 on its title page and paragraph 2.5.

Excluded development

27. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

4. Consultation

28. I have reviewed the Consultation Statement and relevant information provided on the Newhaven Neighbourhood Plan. This provides a clear and comprehensive assessment of the extensive consultation process undertaken in preparing the Plan.

29. The consultation process was managed by a Steering Group where Town councillors were in the minority and this was supported by a Focus Group and a Citizens' Panel.

30. Public consultation on the neighbourhood plan was achieved through a range of techniques including a website, public events, exhibitions, drop-in sessions, high profile speakers, social media, use of Planning for Real techniques, briefings, surveys, a consultation workshop for local groups and a newsletter distributed to 5,500 homes. The consultation included specific initiatives to engage local businesses (with over 400 approached directly) and a consultation with young people run by Sussex Community Development Association. There was a reasonable attendance at events and a good response to surveys. There was also consultation on the Sustainability Appraisal. The deadline for comments on the pre-submission consultation draft was extended in response to requests for a longer period for residents to provide views.

31. The consultation process included an early call for sites to landowners, supported by walkabouts and invitations at public meetings to identify potential sites. This resulted in an assessment of 42 sites.

32. A significant evidence base was developed for the Plan, underpinned by *A Profile of Newhaven* and a series of seven Topic Papers which were used to prompt further feedback and discussion on key issues.

33. The Consultation Statement records all relevant statutory organisations that were approached. There is also evidence of engagement with business and landowning interests.

34. 134 responses were received to the pre-submission consultation draft plan with additional responses from Lewes District Council, South Downs National Park Authority and East Sussex County Council. The Consultation Statement includes a summary table of the issues raised through consultation and how these have been addressed in finalising the Plan. There is significant evidence of the Plan being amended in response to consultation feedback.

35. 15 representations have been made on the submitted Plan from statutory bodies, local authorities and landowner/development interests. These include detailed representations on a number of the policies and, where appropriate, these are addressed later in this report.

36. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan over a long period of time. The Plan has been subject to wide public consultation at different stages in its development. It is also informed by original evidence, including information prepared by both external consultants and local volunteers. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. The local planning authority has been engaged throughout the process.

5. General comments on the Plan's presentation

Vision and Objectives

37. I have reviewed the Vision and the seven Objectives which structure the 25 Policies in the Plan. The Vision takes a positive approach and reflects the feedback received through consultation. It is supportive of sustainable development which delivers a good quality of life.

38. The policies are distinguished from the rest of the Plan by the use of tinted boxes and "*Policy*" in the title. I am satisfied they are clearly differentiated from other aspects of the Plan.

Other issues

39. The bulk of the evidence base for the Plan is provided online and referenced with links in footnotes although this is not consistently the case. The Newhaven Neighbourhood Plan section of Newhaven Town Council's website provides the core information although it is not all in one place.

- [Provide links and references to all documents cited in the Plan and host these in a single location on the Newhaven Neighbourhood Plan website.]

40. The Plan includes a number of maps and these are of varying quality. Higher definition maps which can be read when digitally enlarged should be used. Where there are major issues of clarity – Proposal Plans 8, 9, 10 and 12 - this is addressed in the comments below on specific policies. A clear and accurate map showing the neighbourhood area is addressed in my earlier recommendations. I also recommend a consistent approach to showing the site allocations for housing.

- Use high definition map images at an appropriate scale throughout the Plan.

41. The Plan is well structured and presented with an appropriate hierarchy of headings and use of boxes and illustrations. The Contents should reflect the hierarchy of headings

used in the Plan and distinguish between Section headings (e.g. *“Background to Neighbourhood Planning”*) and sub headings (e.g. *“Neighbourhood Planning – A Description”*) for each Section.

42. There are a number of small errors in the body of the text including: the use of *“Foreward”* not *“Foreword”*; use of *“Bruntland”* not *“Brundtland”* (paragraph 1.31); two Task 7s in Table 1; footnote links not working or connecting to the referenced documents; and that neighbourhood plans are *“made”* not *“adopted”*. The term *“made”* should be used throughout (e.g. paragraphs 1.11, 1.13, Table 1). The South Downs Local Plan has not yet been adopted.

- [Amend the Contents to use a consistent heading hierarchy.]
- [Make other minor changes to the wording as advised in paragraph 42.]
- Add *“(when adopted)”* after *“South Downs Local Plan”* in paragraph 1.11.

6. Compliance with the Basic Conditions

National planning policy

43. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions statement which relates the Plan’s policies to the National Planning Policy Framework (NPPF) (March 2012). There is also reference to the revised NPPF (July 2018).

44. The Basic Conditions statement provides a table testing compatibility of the Vision, Objectives and each of the Plan’s policies with relevant sections of both the 2012 and 2018 versions of the National Planning Policy Framework. This concludes that appropriate regard has been given to the NPPF.

45. There are some areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. The policies should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). It is also important for the Plan to address the requirement expressed in Planning Practice Guidance that “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*” (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements and a significant number of recommended changes are made as a result.

46. Generally, the Plan has regard to national planning policies and guidance but there are exceptions set out in my comments below. These cover both conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced.

47. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommendations on the Plan policies.

Sustainable development

48. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions statement with a breakdown of the Plan policies according to their contribution to economic, social and/or environmental sustainability. This is a limited analysis and does not provide a sufficiently robust assessment. The Plan is, however, also supported by a full Sustainability Appraisal which provides a robust assessment. Natural England and the Environment Agency made comments on the Sustainability Appraisal and did not demur from its general approach. The overall conclusion is that the Plan contributes to the achievement of sustainable development.

49. I am satisfied that the Plan meets this Basic Condition.

Development plan

50. The Plan must be “*in general conformity with the strategic policies of the development plan*”. This comprises the Lewes Joint Core Strategy 2016. The Plan is also cognisant of emerging development plan policies for the neighbourhood area in the Lewes Site Allocation and Development Management Policies and South Downs Local Plan. In response to my request Lewes District Council confirmed its view that all the policies in the Joint Core Strategy are strategic for the purposes of neighbourhood planning.

51. The Basic Conditions Statement provides a summary table relating Local Plan policies to those in the neighbourhood plan and concludes that it is in conformity. This assessment is partial as it does not include the Core Strategy’s Spatial Policies. Spatial Policies 1, 2 and 7 are relevant to the neighbourhood plan.

52. My own assessment is that the Plan is in general conformity with Spatial Policies 1 and 2. It recognises a need to meet the overall housing requirement in the Joint Core Strategy and makes provision in site allocations to more than meet this requirement. This is before any allowance for windfall sites.

53. I have considered Lewes District Council's representations that the inconsistency between the development boundary shown in the Plan (Policy H1, Proposal Plan 12) and Spatial Policy 7 of the Joint Core Strategy amounts to the Plan not being in general conformity. I address the detail of Policy H1 below. In the context of this Basic Condition I am content with the approach in the Plan. It identifies the strategic housing allocation at Harbour heights in Proposal Plan 12. In paragraph 13.2 it accepts the 400 net additional units which are allocated and in paragraph 13.39 it accepts a development boundary that considers the strategic allocations in the Joint Core Strategy. This is notwithstanding my recommendation that the development boundary aligns with the land allocated in the Joint Core Strategy at Harbour Heights.

54. I have considered representations from Day Group Ltd that the Plan may compromise the use of waste and mineral sites. I believe the location of site allocations is clearly indicated in the Plan and any boundary issues can be adequately dealt with through the development management process.

55. There have been no other representations on general conformity. My own assessment is that the Plan is in general conformity with the strategic policies of the development plan subject to addressing my detailed comments and recommendations on the Plan policies below.

Strategic Environmental Assessment

56. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects.

57. This requirement has been addressed as part of the Sustainability Appraisal undertaken by Lewes District Council. I was provided with a copy of the full Sustainability Appraisal and this should be available as part of the evidence base. It shows compliance with this Basic Condition and Natural England, Historic England and the Environment Agency have been consulted and do not disagree with this conclusion.

- [Provide a copy of the full Sustainability Appraisal online as part of the evidence base.]

Habitats Regulations Assessment

58. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. This requirement is addressed through both a Habitats Regulations Assessment undertaken by Lewes District Council on an early draft of the Plan prior to the pre-submission consultation and identification of the site allocations, and the Lewes Local Plan Part 2 & Neighbourhood Plans Habitats Regulations Assessment. These conclude that the Plan will not cause a likely significant effect on any protected sites. Natural England has been consulted and agrees with this conclusion. The Plan meets this Basic Condition.

59. The wording of the Plan in paragraph 1.42 should more precisely reflect the situation. I agree with South Downs National Park Authority's proposed rewording of paragraph 1.42 to achieve this.

- Replace paragraph 1.42 with "The report identified that the Joint Core Strategy could have a significant effect on the Ashdown Forest SPA/ SAC. Measures were agreed with Natural England to mitigate against the potential significant effects of recreational pressure impacts on the SPA. Further assessment was undertaken with regard to potential significant effects of air quality impacts on the SAC as set out in the joint South Downs Local Plan and Lewes Joint Core Strategy HRA Addendum. The Habitats Regulations Assessment addendum concludes that no adverse effect upon the integrity of Ashdown Forest SAC is expected to result from development provided by the South Downs Local Plan/Lewes Joint Core Strategy, even in combination with other plans and projects. Lewes District Council confirmed that the Neighbourhood Plan complies with the Habitats Regulations and would not require further assessment."

Other European obligations

60. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. This is not directly addressed in the Basic Conditions Statement which includes a more general statement that the neighbourhood plan “*is considered to be compatible with EU obligations*” (paragraph 6.7). Nevertheless I am satisfied that the Plan has appropriate regard to the rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and no contrary evidence has been presented. There has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate and transparent manner. The Plan meets this Basic Condition.

7. Detailed comments on the Plan policies

61. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that it meets the Basic Conditions. I provide comments on all policies in order to give clarity on whether the Plan meets the Basic Conditions. The final Policy numbering and some of the supporting text will need to be amended to take account of the recommended changes.

The Town Centre

62. **Policy TC1** – This establishes the policy approach for regeneration of the town centre.

63. The Policy is supported by a map which clearly defines the boundaries of the town centre as the area inside the A259 ring road. There is good evidence of the negative impact resulting from the town centre being physically cut off and how buildings facing parts of the ring road present unwelcoming elevations.

64. The Policy encourages a diversity of uses, defined in terms of specific use classes within the whole town centre area. Support for these uses in vacant retail units in TC1 2. is unnecessary given the general support in TC1 1.

65. The Policy identifies Primary and Secondary Shopping Areas and Primary and Secondary Frontages and locates these on Proposal Plan 1. In these locations change of use to residential and the development of new homes is supported other than at the ground floor. This approach builds on that in the Joint Core Strategy but extends controls over residential use at the ground floor to secondary shopping frontages and is more supportive of residential uses in the town centre overall. The location of the primary and secondary shopping frontages in the Plan is also different to that in the Joint Core Strategy.

66. There is limited detailed evidence supporting this aspect of the Policy. On request further information has been provided by Newhaven Town Council to justify the amended shopping frontage locations. This identifies the role of secondary shopping frontages in

drawing people into the town centre and the importance of key local views which would be affected by significant conversion to residential use, impacting on the character of the town centre. Relevant photographic evidence has also been provided. The evidence presented accords with my own observations when visiting the town centre. This is subject to the omission of small length of existing frontage and some locations already being in residential use at ground level. I noted that the “*Co-op Building*” allocated for housing as part of a mixed use scheme under Policy H5 1. c) is included as Primary Shopping Frontage and Primary Shopping Area despite being vacant and run down. On requesting further information I was informed of Lewes District Council’s ambitions as the site owner to include significant retail development and provided with a position statement. This supports the approach in the Plan. I am satisfied amended shopping frontages are appropriate and that this is a legitimate approach for a neighbourhood plan drawing on local insight. The effect will be to extend the area where residential use is not considered appropriate at ground level.

67. The evidence presented supports the policy’s approach to controlling ground floor residential use in shopping frontages and not shopping areas. There is also an unnecessary reference to “*Secondary Shopping Areas*” in Policy TC1. These are neither defined nor shown on the map.

68. Policy TC1 4. takes a supportive approach to redevelopment. It can be made clearer how it applies to sites with frontages onto the A259. Lewes District Council informs me that the “*implementation plan for the Enterprise Zone*” is not a public document and so it is inappropriate for it to be referenced in the Policy.

69. Policy TC1 does not meet the Basic Conditions.

- **Amend Policy TC1 to**
 - **delete TC1 2.**
 - **delete “*the Primary and Secondary Shopping Areas and at*” and “*also*” in TC1 3.**
 - **insert “*facing the A259*” after “*sites*” and delete “*onto the A259*” in TC4.a)**

- **replace “any implementation plan” with “supporting the Strategic Framework” in TC1 4.b)**
- Amend Proposal Plan 1 to:
 - change the title to “Shopping Areas and Frontages”
 - extend the primary shopping frontage around the corner of Westminster House to include the frontage on Bridge Street
 - remove 5-7 Chapel Street and 8-10 & 14 Bridge Street from the Secondary Shopping Frontage
- Amend the supporting justification to include the definitions used in the Joint Core Strategy for primary and secondary shopping frontages and delete the reference to “secondary shopping areas” in paragraph 6.23.

70. **Policy TC2** – This supports provision of equivalent leisure facilities as part of any development of the Seahaven Leisure Centre site.

71. The Leisure Centre is clearly an important asset to the local community. As drafted Policy TC2 is enabling and supports Local Plan Core Policy 7.

72. It is not appropriate for the “*Town Council*” to be identified as requiring full public consultation, not least as Lewes District Council is the local planning authority responsible for implementing the development plan, including the neighbourhood plan.

73. The Policy approach based on what “*the Neighbourhood Plan supports*” is also inappropriate as the planning policy is a means for determining planning applications rather than setting out Plan objectives. This form of words is used in a number of policies throughout the Plan.

74. Policy TC2 and the Justification makes no mention that the site is allocated under Policy H5 as a housing site as part of mixed-use redevelopment. This is a potential cause of confusion which should be addressed in the supporting text.

75. Policy TC2 does not meet the Basic Conditions.

- **Amend Policy TC2 to:**
 - **Replace “*The Neighbourhood Plan supports*” with “Planning applications will be supported for”**
 - **Delete the last sentence beginning “*The Town Council*”**

- [Amend the supporting justification to include:
 - “The Town Council will encourage full consultation regarding proposals with the local community.”
 - “The refurbishment or redevelopment of Seahaven Leisure Centre under Policy TC2 will also need to be in conformity with Policy H5 which allocates the site for new housing as part of a mixed use development.”]

76. **Policy TC3** – This seeks to protect the plot widths and the character of the shop fronts in defined locations in the town centre.

77. Policy TC3 is supported by a plan of the “*historic plots*” in the High Street and the location of five Grade II listed buildings and by a visual representation of the characteristic shop front components to be considered. The plan accords with my own experience of the High Street.

78. There is clear support for strengthening the character of the “Old Town” in Newhaven and the Policy takes a reasonable approach. It does not rule out the merger of plots while seeking to protect existing plot widths.

79. The Policy makes no specific reference to the Grade II listed buildings in Proposal Plan 2 and to avoid confusion these should be removed.

80. Policy TC3 meets the Basic Conditions.

- [Remove the Grade II listed buildings from Proposal Plan 2.]

Local Economy, Tourism and Employment

81. This section is prefaced by a description of the Enterprise Zone arrangements in Newhaven which comprise eight separate sites, some of which are outside the neighbourhood area. There have been some changes to permitted development rights within these sites.

82. I have considered the Environment Agency's representations about the application of a sequential test to the employment land allocations and make appropriate recommendations.

83. **Policy E1** – This addresses Avis Way Industrial Estate.

84. The Policy applies to a significant area of land identified in Proposal Plan 4. This includes not only Avis Way Industrial Estate but also Bridge Industrial Estate and Paradise Park, which includes leisure facilities, a museum and a major garden centre. The boundary of Avis Way Industrial Estate in the Enterprise Zone Strategic Framework is different. Therefore, although the geographical area of the Policy is clear, there is potential confusion with the Policy title.

85. The Policy includes a number of statements which are better included in the supporting justification.

86. Policy E1 does not meet the Basic Conditions.

- **Amend Policy E1 to**
 - **Insert “The land around” before Avis Way in Parts 1. And 2.**
 - **Delete the second sentence of Part 1. beginning “Retaining”**
 - **Replace “The Neighbourhood Plan supports” with “Planning applications will be supported for”**

- **Add a new Section 4. “All development proposals should include a site Flood Risk Assessment and consider the Neighbourhood Plan sequential test.”**
- Rename Policy E1 and Proposal Plan 4 “Land around Avis Way”.
- [Amend the supporting justification to include “Retaining and improving key employment sites is a priority for the Neighbourhood Plan and reflects the Enterprise Zone designation.”]

87. **Policy E2** – This addresses employment and residential uses on Denton Island.

88. The Policy as drafted is a statement of priorities for Denton Island and does not serve as a means to determine planning applications.

89. The Policy refers to both “Newhaven Enterprise Centre” and “prominent locations” but does not identify these. On request I was provided with locations, including those locations which are most visible from the A259 to the south. These accorded with my own experience visiting Denton Island and can be included in a revised Proposal Plan.

90. Policy E2 does not meet the Basic Conditions.

- **Replace Policy E2 with “Planning applications for development on Denton Island will be supported which:**
 - **retain Newhaven Enterprise Centre;**
 - **provide residential and enhanced business space at the prominent locations identified in Proposal Plan 5;**
 - **provide for new planting, boundaries and other landscaping, including provision of a circular path around the Island; and/or**
 - **address a legacy of contaminated land.**

All development proposals should include a site Flood Risk Assessment and consider the Neighbourhood Plan sequential test.”

- Amend Proposal Plan 5 to:
 - Identify Newhaven Enterprise Centre
 - Identify the two prominent locations most visible from the A259.

91. **Policy E3** – This supports development that encourages tourism activity.

92. Policy E3 is an enabling Policy. It is specific about the location of some schemes but not all. The supporting justification identifies some specific locations, such as West Beach Car Park, as preferred locations. There is a risk of confusion as to whether aspects of the Policy are locationally specific and it should be amended to leave reference to specific locations in the supporting justification.

93. The Policy is drafted as an objective of the Neighbourhood Plan rather than serving to inform the determination of planning applications. The Policy does not need to number its single limb.

94. Policy E3 does not meet the Basic Conditions.

- **Amend Policy E3 to:**
 - **Replace “*The Neighbourhood Plan supports*” with “Planning applications will be supported for”**
 - **Delete “*at Lewes Road recreation ground*” in section d)**
 - **Delete “*at Newhaven Fort*” in section h)**
 - **[Delete “1.”]**

95. **Policy E4** – This seeks to support industrial sectors identified as important to Newhaven.

96. Policy E4 is generally enabling but it is restrictive in stating that loss of marine uses in identified locations “*will not be supported*” and new uses “*will need to be able to coexist with the sector*”. While these uses are clearly important to the area there is an insufficient evidence base to justify such a restrictive approach.

97. The Policy seeks to retain *“the town’s key employment sectors”* but it does not define these other than the two sectors addressed in the Policy.

98. The Policy is drafted as an objective of the Neighbourhood Plan rather than serving to inform the determination of planning applications.

99. Policy E4 does not meet the Basic Conditions.

- **Replace Policy E4 with “Planning applications will be supported that:**
 - a) Retain and/or protect land and premises used by the marine sector;**
 - b) Take account of the needs and operations of the marine sector when developing sites adjacent to marine uses; and/or**
 - c) Provide for development within Use Class B1 that accelerates Newhaven’s transition to a new and higher value economic role including: high end manufacturing encompassing the ‘clean, green and marine’; creative and digital; advanced engineering; environmental technology and services; and healthcare and biologics sectors.”**

- [Amend the supporting justification to indicate that “The marine sector is largely based at West Quay, land east of Robinson Road and Denton Island”.]

Eastside

100. This section relates to the significant area known as Eastside. This is shown on General Plan 5 and Proposal Plans 6 and 14 although these all exclude the Ouse Estuary Nature Reserve shown in Proposal Plan 7. This is despite Policy ES3 relating the Nature Reserve to the Eastside area. There are also inconsistencies in the maps of Eastside, some of which show roads planned to serve new residential development while others do not. There are also inconsistencies in how the Plans are referenced in the text and the boundary of the neighbourhood area is not included in the General Plan despite its importance given the exclusion of the port.

- Amend General Plan 5 and Proposal Plan 6 and 14 to show the Ouse Estuary Nature Reserve as being within the Eastside area.
- Regularise the maps used in the Plan to show the same road and other infrastructure for Eastside.
- Provide maps at a high enough definition to determine the precise location of the boundaries shown.
- Show the neighbourhood area in General Plan 5.
- Replace “*General Map 5*” with “General Plan 5” in paragraph 8.1.

101. **Policy ES1** - This supports proposals for the regeneration of Eastside and sets out a number of criteria to guide new development.

102. The quality of the drafting of Policy ES1 is a source of potential confusion and means it does not meet the Basic Conditions. It includes references to unspecified “*design principles*” and “*key employment clusters*” and contains grammatical errors. It is also unclear why section 5. relates only to the small part of Eastside that is located in an Enterprise Zone. The supporting justification should also reference the existence of Policy ES3 which addresses a further consideration for development relating to nature conservation.

- **Amend Policy ES1 to:**
 - **replace the opening three lines and section 1. with “Planning applications for development in Eastside (Proposal Plan 6) should take into account:**
 - 1. Opportunities to enhance sense of place and provide high quality design”**
 - **Delete “a” in section 4.**
 - **Delete the text from “*biodiversity*” to the end of section 5 and replace with “, open spaces and landscape.”**
- Amend the supporting justification to state that “Development proposals in Eastside will also need to address Policy ES3 relating to its natural environment.”

103. **Policy ES2** – This identifies a number of different types of development which will be supported in the Eastside area and allocates it for employment uses.

104. There is a lack of clarity in Policy ES2 which allocates the whole of Eastside for employment use as a priority. This is despite significant extant residential planning permissions and Policy H3 allocating additional sites for housing. Policy H3 is not directly referenced in the Policy or its supporting justification although the quantum of 250 dwellings allocated is included. The Policy also supports mixed use while allocating the site for employment uses. Having considered the range of planned and intended uses for Eastside I have concluded that the Policy needs to be more precisely drafted. I address the relationship between the Enterprise Zone and the housing allocations later in this report. I also recommend deleting sites for which planning consent has been granted which alters the Plan allocations for Eastside.

105. I have considered South Downs National Park Authority's representations for an additional criterion relating to the setting of the National Park. I am sympathetic to its proposals but the absence of this criterion does not amount to a breach of the Basic Conditions.

106. The drafting of some of the Policy relates more to describing the Plan's objectives than determining planning applications and I share some of Lewes District Council's concerns over its drafting.

107. Policy ES2 does not meet the Basic Conditions.

- **Replace Policy ES2 with "Planning applications for development in Eastside will be supported which provide:**
 - 1. a variety of new and improved employment floorspace (Use Classes B1-B8), including the provision of small and medium sized, flexible floorspace, move-on space for growing businesses and start up business space;**

2. **upgraded and refurbished office accommodation which is more resource efficient and safeguards or improves the environment and townscape;**
3. **hotel facilities;**
4. **leisure and recreation facilities where they do not negatively impact the operational uses of the Enterprise Zones;**
5. **food and drink uses (Use Class A3);**
6. **residential development in accordance with Policy H3; and/or**
7. **residential development as part of mixed-used schemes outside the Enterprise Zones.**

All development proposals should include a site Flood Risk Assessment and consider the Neighbourhood Plan sequential test.”

- Replace “*Valley*” with “*Estuary*” in the title of Proposal Plan 7.

108. Policy ES3 – This seeks to conserve and enhance the natural environment in Eastside, with particular reference to Ouse Valley Nature Reserve.

109. Policy ES3 relates to a range of environmental considerations which extend beyond its title relating to “*Nature Conservation*”. Its effect is uncertain as it seeks to conserve or enhance all aspects of the natural environment, including landscape features by ensuring development does not harm “*nature conservation interests*”. This is despite the fact that some natural environmental considerations do not relate directly to nature conservation.

110. Policy ES3 does not meet the Basic Conditions.

- **Amend Policy ES3 to replace “*new development will not harm nature conservation*” with “development proposals consider the impact on the natural environment.”**
- Change title of Policy ES3 to “Eastside’s natural environment”.

Transport, Sustainable Movement and Access

111. Policy T1 – This supports measures which reduce traffic impacts, improve air quality and support walking and cycling.

112. The impact of traffic and congestion on the neighbourhood area is clearly evidenced in public consultation on the Plan. Nevertheless, there is insufficient evidence to justify an approach which prescribes that proposals “*must*” mitigate traffic impacts, including for only marginal increases in traffic. The Policy also seeks to require all development, however small, to contribute to improving cycle and pedestrian routes and to use powers under the Highways Acts which go beyond the scope of the Plan.

113. Policy T1 supports a “*mobile*” bridge over the River Ouse without specifying a particular location. This is an appropriate enabling policy although the description of the bridge being “*mobile*” is open to an interpretation that it needs to be able to move to different locations. Newhaven Town Council has indicated it would support the bridge being described as “*moving*” and its ability to open for large vessels can be described in the supporting justification. This also addresses the representations from East Sussex County Council.

114. Much of Policy T1 is drafted as an objective of the Neighbourhood Plan rather than serving to inform the determination of planning applications.

115. Policy T1 does not meet the Basic Conditions.

- **Amend Policy T1 to:**
 - **Replace section 1. with “Planning applications will be supported which improve sustainable movement throughout the plan area to reduce traffic impacts and improve air quality”**
 - **Replace “*Actions within*” with “Planning applications for” in section 2.**
 - **Replace “*will be expected to*” with “should, where appropriate,” in section 3.**
 - **Insert “significant” before “*increased*” in section 5.**

- **Replace from “*must*” to the end of the first sentence of section 5. with “should take proportionate steps through legal agreements to mitigate traffic impacts.”**
 - **Replace “*mobile*” with “moving” in section 6.**
- Add “The new bridge will need to be able to move to allow continuing unhindered access by marine traffic using the river to access sites further upstream, depending on its location.” in paragraph 9.16 of the supporting justification.

116. Policy T2 – This supports improved accessibility to and within the Town Centre.

117. Policy T2 is appropriate and non-prescriptive. It meets the Basic Conditions.

Public Open Space, Sports and Recreation Facilities

118. Policy R1 – This establishes the policy approach to supporting and protecting recreational uses and open space, including 18 specified recreational areas and the designation of two Local Green Spaces.

119. The Policy is supported by a map indicating the boundaries of the two proposed Local Green Spaces and the location of 18 areas of formal and informal local space. The map is inadequate in not showing the boundaries of these 18 areas and the low definition means that the boundaries of the proposed Local Green Spaces are also unclear.

120. The Policy is also supported by a Local Green Spaces Report which reviews 21 potential sites and concludes that two best meet the criteria set out in national planning policy. I am satisfied that this is a proportionate response to the number of potential Local Green Spaces and that there is evidence of public support for their designation. The suitability of both locations also accords with my own experience of visiting the sites. I have considered representations for Ouse Estuary Nature Reserve being designated as Local Green Space but am content that this is a decision for the Town Council to make on the basis of the evidence it has provided. The Local Green Spaces Report also provides support for the protection of the areas of formal and informal space identified in the Policy.

121. The Policy supports new allotments in an area defined on a Proposal Plan from a different section which does not define any such area. I was informed that the intention is for new allotments to be supported within or adjacent to the development boundary. It also seeks to prescribe the management of any allotments which goes beyond the scope of planning policy. It seems appropriate for allotments to be supported in appropriate locations throughout the Plan area.

122. The Policy is unduly prescriptive in its application of criteria to the development of areas of formal and informal recreation and support for new allotments. It is also uncertain whether both criteria in Section 3. are to be applied.

123. Policy R1 does not meet the Basic Conditions.

- **Amend Policy R1 to:**
 - **Change Section 3. to:**
 - replace *“will not be permitted unless”* with *“should”*
 - insert *“Provide”* at beginning of subsection a)
 - add *“; and”* at end of subsection a)
 - replace *“Alternative provision is made”* with *“Make alternative provision”*
 - **Change Section 4. to:**
 - replace *“the area”* with *“or adjacent to the development boundary”*.
 - replace *“must”* with *“should”* in the second sentence
- Provide larger scale, high definition maps which clearly show the boundary of each of the Local Green Spaces and each of the areas of formal and informal open space shown in Proposal Plan 8.

124. Policy R2 – This supports development of a community/visitor centre at Lewes Road Recreation Ground and improved green links.

125. Policy R2 is positive and enabling. It is supported by a Proposal Plan that indicates the general location of Lewes Road Recreation Ground but which is at too small a scale to define its boundaries.

126. The Policy is drafted in terms of a Plan objective rather than a planning policy to inform the determination of a development proposal. It is unclear whether all the criteria in Section 1. are to be applied.

127. I have considered the Environment Agency's representations concerning flood risk and make some recommendations to address these.

128. Policy R2 does not meet the Basic Conditions.

- **Amend Policy R2 to:**
 - **replace “*The Neighbourhood Plan supports the development of*” with “Development proposals will be supported for”**
 - **add a new Section 1. e) “development proposals include a site Flood Risk Assessment and consider the Neighbourhood Plan sequential test.”**
 - **add “; and” to the penultimate subsection of Section 1.**
- Provide a larger scale, high definition map which clearly show the boundary of Lewes Road Recreation Ground in a revised Proposal Plan 9.
- Replace “100” with “200” and “1%” with “0.5%” in paragraph 11.7.

Natural Environment and Biodiversity

129. Policy NE1 – This establishes the policy framework for protecting and enhancing biodiversity

130. The Policy is supported by a local study of biodiversity assets which isn't referenced and a 2016 Biodiversity Study which is not provided with the supporting information for the Plan. There are two low definition maps and Proposal Plan 10's depiction of the location of Sites of Nature Conservation Importance and Local Nature Reserves is unclear, especially in

printed versions of the Plan. The Policy also references the Biodiversity Action Plan but this is not mentioned in the supporting justification and no link or further information is provided. On request I was provided with details of the Lewes Brooks and the Ouse Valley Biodiversity Opportunity Area and how the Biodiversity Action Plan was made up. Notwithstanding these shortcomings it is evident that the Plan area includes significant biodiversity opportunities and there is public support for these to be realised.

131. Section 1. of the Policy repeats the phrase “*from any negative impacts*” and is vaguely worded in terms of what development “*will seek to protect*”. The reference to the special qualities and setting of the National Park in Section 2. goes much wider than the Policy’s intent relating to biodiversity. It does not add to the policy approach in the National Planning Policy Framework or the development plan for the South Downs and is superfluous.

132. Section 2. identifies “*species of principal importance*” but neither defines these nor indicates where they are defined. I understand these to relate to the species identified in the Lewes Brooks and the Ouse Valley Biodiversity Opportunity Area. Further clarity is needed to avoid the Policy being too vague to provide the necessary certainty for an applicant. Section 3.d) is also too vague in seeking enhancements “*possibly*” as part of Sustainable Urban Drainage Systems.

133. The Policy includes text relating to the location of Newhaven in the Brighton and Lewes Downs Biosphere and the biodiversity checklist which should be provided in the supporting justification rather than in the Policy. The latter is referenced in a confusingly bracketed paragraph.

134. Policy NE1 does not meet the Basic Conditions

- **Amend Policy NE1 to:**
 - **Replace “*will seek to*” with “*should*” in Section 1.**
 - **Replace “*areas of priority*” with “**the Lewes Brooks and the Ouse Valley Biodiversity Opportunity Area**” in Section 1.**

- Delete “*from any negative impacts*” at end of Section 1.
 - Insert “*identified in the Lewes Brooks and the Ouse Valley Biodiversity Opportunity Area*” after “*importance*” in Section 2.
 - Delete the last sentence of Section 2.
 - Delete “*Given Newhaven’s inclusion in the Biosphere*” and insert “and” in Section 3.c)
 - Replace “*possibly*” with “including” in Section 3.d)
 - Move the last paragraph to the supporting justification and remove the brackets.
- Provide details of the Biodiversity Action Plan, including the Lewes Brooks and the Ouse Valley Biodiversity Opportunity Area, in the supporting justification and provide a link to the Biodiversity Action Plan and Lewes Brooks and the Ouse Valley Biodiversity Opportunity Area documents.
 - [Provide a higher definition map for General Plan 6 and Proposal Plan 10 which enable all items in the Key to be clearly identified.]
 - [Provide a reference and link to the biodiversity asset check cited in paragraph 11.12 and to the Newhaven Town Council Biodiversity Study 2016.]

Good Quality Design and Image

135. Policy D1 – This sets out a range of considerations for promoting good design.

136. The Policy is supported by evidence of public support for improving design quality. It is overly prescriptive in stating that developers “*are required*” to have active frontages in certain locations and to respond to local surroundings. It is unclear whether all the criteria in Section 4. apply.

137. A report by AECOM on public realm improvements is mentioned in paragraph 12.7 but it isn’t referenced. I have been provided with a copy of the report on request and note it is a draft.

138. Policy D1 does not meet the Basic Conditions.

- **Amend Policy D1 to:**
 - **Replace “will” with “should” in Section 2**
 - **Replace “are required to” with “should” in Section 4**
 - **Insert “; and/or” at end of Section 4. i)**

- [Include a reference to the draft AECOM report on public realm in the text and summary of Key Evidence.]

139. Policy D2 – This establishes policy requirements to help achieve high sustainability standards in new development.

140. The Policy is intended to apply to all development while some of the criteria are only relevant to some types of development. It encourages “*best practice*” in sustainable urban drainage without providing any benchmark or examples of what this means. National planning policy references use of sustainable drainage systems only in areas of flood risk (paragraph 103, NPPF 2012). It is unclear whether all or only some of the criteria apply to development proposals.

141. The Policy references Lewes District Council’s electric vehicle charging points technical guidance but does not provide a reference or address how it will apply if this guidance is replaced.

142. Policy D2 does not meet the Basic Conditions.

- **Amend Policy D2 to:**
 - **Insert “where appropriate” before “demonstrate” in Section 1.**
 - **Replace the fourth bullet of Section 1. with “support sustainable urban drainage, including the use of sustainable drainage systems where appropriate”**
 - **Add “”; and/or” to the end of bullet point 4**
 - **Add “(or its successor)” to end of Section 2.**

- **Add “where appropriate” to the end of Section 3.**
- Provide a reference and link to Lewes District Council’s EVCP Technical Guidance Note in the supporting justification.

Housing

143. This Section of the Plan establishes an overall policy strategy for accommodating new housing development and makes allocations in seven different broad locations. It is predicated on meeting a minimum housing requirement for Newhaven established in the Joint Core Strategy and allowing for a major allocation at Harbour Heights. The housing requirement is more than met by the allocations before any allowance is made for windfall sites.

144. The housing allocations are informed by a Call for Sites which generated a significant response from local landowners. The Plan was also informed by Lewes District Housing and Economic Land Availability Assessment and a request for information on potential sites during consultation. Each site has been assessed for its suitability and this has been recorded. The sites were also addressed through the Sustainability Appraisal of the Plan and a Sequential Flood Risk Assessment (as advised by Environment Agency). I am satisfied by the rigour and thoroughness of the approach to identifying and assessing sites which is proportionate to the requirements of the neighbourhood plan.

145. Two sites allocated in the plan have received planning consent for 107 dwellings and development has begun on one. It is potentially confusing for these sites to remain as allocations and I recommend they are deleted. This will require changes to the supporting text to explain how the housing requirement will be met by the Plan plus the allocation at Harbour Heights and the consents at Grays School and the Land East of Reprodux House.

146. I have considered East Sussex County Council’s various representations on the housing allocations. These raise relevant issues, including the value of transport assessments and alternatives to car clubs, but I do not consider any of them question the

ability of the policies to meet the Basic Conditions. I make recommendations to address alternatives to car clubs.

147. I have considered Environment Agency's representations on flood risk and am content that the housing allocations are informed by a sequential test and that a site Flood Risk assessment will be required as a matter of national planning policy (NPPF, paragraph 163, 2019).

148. Each of the site allocations is supported by a Proposal Plan providing a boundary. This boundary is shown in three different ways across the eight policies and the Plan would be clearer if the same approach was taken throughout.

- Update the supporting text to explain how the Plan meets the strategic housing requirement for Newhaven through site allocations which are additional to the allocation of 400 net additional dwellings at Harbour Heights and the consents for 107 dwellings in total at Grays School and the Land East of Reprodex House.
- Provide Proposal Plans supporting each Policy in a consistent format, with a common map base and approach to depicting the site boundaries.

149. Policy H1 – This focuses new development within a defined development boundary and provides policy criteria for any development outside this boundary.

150. The Policy is supported by a Proposal Plan which indicates the "*development boundary*". This Plan is confusing in having two different titles – "*Development Boundary*" and "*Newhaven Planning Boundary*". It is also at too low a resolution and small a scale for the precise boundary to be identified.

151. The proposed development boundary bisects the Harbour Heights site allocation and so will not endure to 2030 as the development of this site will establish a new boundary.

152. Policy H1 is drafted more as a Plan objective than a policy for determining planning applications.

153. The Policy also requires development to be in accordance with other development plan policies which is superfluous given that there is a legal requirement for planning applications to be considered against all development plan policies.

154. The Policy is unduly restrictive in stating what “*must*” be addressed by development outside the development boundary. Its advocacy of “*best practice*” in sustainable building is ambiguous and it is unclear whether all the criteria apply to all proposals outside the development boundary.

155. Policy H1 does not meet the Basic Conditions.

- **Amend Policy H1 to:**
 - **Replace Section 1 with “Planning applications within the development boundary shown on Proposals Plan 12 will be supported as meeting the spatial strategy to focus development within the existing built-up area.”**
 - **Replace both incidences of “*must*” with “*should*” in Section 2**
 - **Replace “*adopt best practice*” with “*support*” in Section 2 c)**
 - **Delete Section 2 d)**
 - **Add “; and/or” to the penultimate subsection of Section 2.**

- Amend Proposal Plan 12 to:
 - Provide a single title “Newhaven development boundary”
 - Align the development boundary with the Harbour Heights allocation
 - Increase the scale and improve the definition of the map to ensure the detail of the development boundary can be identified.

156. Policy H2 – This allocates the former Police Station for at least 18 dwellings.

157. The Policy is supported by a Proposal Plan providing a clear boundary to the allocation.

158. The Policy establishes reasonable site specific criteria for development although it is unclear whether they all apply. It includes unnecessary references to requiring compliance with other development plan policies and a “Note” which should be reference in the supporting justification.

159. I have considered Lewes District Council’s representations concerning the high density of the proposed allocation. The supporting justification highlights the prominent and accessible location close to the town centre and its suitability for a development of this kind.

160. Policy H2 does not meet the Basic Conditions.

- **Amend Policy H2 to:**
 - **[Delete section a)]**
 - **Add “; and/or” at end of third bullet of section b)**
 - **[replace from “required” to end of fourth bullet point with “for appropriate measures such as car club infrastructure, including parking bays, and/or other car club enabling measures, such as membership subsidy”**
 - **Delete the last two paragraphs]**

- Amend the supporting justification to include the guidance provided in the last two paragraphs of Policy H2.

161. Policy H3 – this allocates five different sites in Eastside and sets out relevant policy criteria.

162. The Policy is supported by a Proposal Plan which is at too low definition and too small scale to identify the boundary of the sites. The Proposal Plan uses capital letters to identify the sites while lower case is used in the Policy as drafted.

163. The Land East of Reprodex House site has been granted planning permission for development and should be deleted as a housing allocation, with consequential changes to the total capacity of the sites allocated in Policy H2 sites.

164. There are inconsistencies in the information provided in the site assessment and the Plan over the location and capacity of some of the sites. The Bevan Funnell site is located at site C in Proposal Plan 14 and at Site B in the site assessment. Its capacity is 60 dwellings in Policy H3 and 40 dwellings in the site assessment and the capacity of site B is proposed as 80 dwellings. The site assessment for the Eastside sites in the site assessment states that it excludes the Bevan Funnell site when it includes the Bevan Funnell site as shown in the Plan. A site assessment for the Land at Clinton Road was not available with the submitted documents but was provided on request. It has been clarified that Bevan Funnell is used locally to refer to more than one of the sites.

165. I have considered representations by GL Hearn on behalf of Ms K Brooks that the capacity of the Land at Clifton Road is in excess of that identified in the Policy. I acknowledge that this may be the case and also note that the Policy clearly identifies a “*minimum*” capacity. It will be for the development management process to determine the most appropriate capacity.

166. I have considered Southern Water’s representations concerning possible odour issues associated with its site adjacent to the proposed allocation at Beach Road. While it may be an issue which would, ideally, be addressed in planning policy I am content that the issues can be addressed in development management and does not amount to a breach of the Basic Conditions.

167. I have considered Lewes District Council’s representations concerning the potential conflict between the residential allocation on Land East of Reprodex House and the Enterprise Zone. This is a strategic consideration which should be recognised.

168. The Policy establishes a number of site specific criteria for development although it is unclear whether they all apply. Some of the criteria are unduly prescriptive and no

evidence is provided as to why they “*must*” or “*will*” apply. It includes unnecessary references to requiring compliance with other development plan policies and a “*Note*” which should be reference in the supporting justification.

169. The Policy encourages agreement of the employment related floor area with the local authority. This is not a matter for planning policy and should be included in the supporting justification.

170. Policy H3 does not meet the Basic Conditions.

- **Amend Policy H3 to:**
 - **Replace “250” with “170”**
 - **Relabel Sections a) to e) using capital letters**
 - **Delete Section b) Land East of Reprodex House**
 - **Insert a new numbered Section “The need to avoid a negative impact on the operational uses of the Enterprise Zones”**
 - **Replace “retained/new space” with “retained and/or new space” in Section 1.**
 - **Delete second sentence of Section 1.**
 - **[Replace from “required” to end of Section 3. with “appropriate measures such as car club infrastructure, including parking bays, and/or other car club enabling measures, such as membership subsidy”]**
 - **Replace “must” with “should” in Section 5.**
 - **Replace “will” with “should in Section 6.**
 - **Replace “must” with “should” in Section 9.**
 - **Add “; and/or” at end of the penultimate Section**
- **Amend the supporting justification to include the second sentence of Section 1. and the guidance provided in the last two paragraphs of Policy H3.**
- **Delete from “but” to end of sentence in paragraph 13.48.**

171. Policy H4 – This allocates land at Robinson Road Depot for a minimum of 40 homes and an area of employment space.

172. The Policy is supported by a Proposal Plan providing a clear boundary to the allocation.

173. The Policy establishes reasonable site specific criteria for development although it is unclear whether they all apply. It includes unnecessary references to requiring compliance with other development plan policies and a “*Note*” which should be reference in the supporting justification. It is unclear whether all the criteria apply to any development proposal.

174. I have considered Southern Water’s representations concerning the capacity of the local sewerage infrastructure to accommodate the development. It is preferable that this is addressed in the final Policy.

175. I share Lewes District Council’s concerns that if parking issues are considered “*imperative*” as indicated in the supporting justification (paragraph 13.51) then they should be addressed in the Policy.

176. Policy H4 does not meet the Basic Conditions

- **Amend Policy H4 to:**
 - **[delete section a)**
 - **insert a new bullet point criterion “occupation of development to be phased to align with the delivery of sewerage network reinforcement”]**
 - **insert a new bullet “Parking is to be provided within the site boundary in accordance with East Sussex County Council parking standards. Where reduced car parking is sought, developer contributions are required for appropriate measures such as car club infrastructure, including parking bays, and/or other car club enabling measures, such as membership subsidy”**

- **insert “; and/or” at the end of the penultimate bullet point**
- Amend the supporting justification to include the second sentence of Section 1. and the guidance provided in the last two paragraphs of Policy H4.

177. Policy H5 – This allocates four sites in the town centre for residential development as a part of mixed use schemes.

178. Policy H5 is supported by a Proposal Plan which shows the boundary in a different style (wide blue lines) to the other Housing policies. The site allocations use capital letters whereas the Policy uses lower case letters. The Policy includes unnecessary references to requiring compliance with other development plan policies and a “*Note*” which should be reference in the supporting justification. The policy criteria proposed are reasonable but it is ambiguous as to whether they all apply to all development.

179. I have been provided on request with a supportive statement from Lewes District Council as landowner for the four town centre allocations in the Plan. This confirms an intention for delivery within the period of the Plan. I have considered Lewes District Council’s representations concerning the lack of prior consultation on the allocation of the Dacre Road multi-storey car park. I note that this was addressed in Policy TC1 at Regulation 14 and that its allocation has not generated representations on the submitted Plan. I am satisfied with the allocation.

180. It is understood that any development of Seahaven Swimming Pool site will need to be consistent with Policy TC2 and retain leisure facilities that are at least as good as the current provision. This should be confirmed in the supporting justification.

181. I have considered Southern Water’s representations concerning the capacity of the local sewerage infrastructure to accommodate the development. It is preferable that this is addressed in the final Policy.

182. Policy H5 does not meet the Basic Conditions

- **Amend Policy H5 to:**
 - [Delete from “16” to the end of the first sentence in Section 1.
 - Relabel section 1.a) to d) using capital letters
 - Insert a new subsection to Section 2. “occupation of development to be phased to align with the delivery of sewerage network reinforcement”
 - Replace from “required” to end of Section 2iv. with “for appropriate measures such as car club infrastructure, including parking bays, and/or other car club enabling measures, such as membership subsidy”]
 - Insert “; and/or” at the end of the penultimate subsection of Section 2.
 - [Delete the last two paragraphs]

- Amend the supporting justification to include the guidance provided in the last two paragraphs of Policy H5 and to reference the need for any development on Site D needing to be consistent with Policy TC2
- Amend Proposals Plan 16 so its presentation is consistent with the other Proposal Plans for housing allocations

183. Policy H6 – This allocates the former Lewes District Council offices for a minimum of 8 dwellings.

184. Policy H6 is supported by a Proposal Plan which shows the boundary of the allocation. The Policy includes unnecessary references to requiring compliance with other development plan policies and a “Note” which should be reference in the supporting justification. The policy criteria proposed are reasonable.

185. Policy H6 meets the Basic Conditions.

- **[Amend Policy H6 to:**
 - Delete Section a)
 - Delete the last two paragraphs]

- Amend the supporting justification to include the guidance provided in the last two paragraphs of Policy H6

186. Policy H7 – This allocates the former Grays School for a minimum of 27 dwellings.

187. Policy H7 is supported by a Proposal Plan which shows the boundary of the allocation. The Policy includes unnecessary references to requiring compliance with other development plan policies.

188. The site has been granted planning permission for development and I observed construction underway during my visit. The site should be deleted as an allocation from the Plan and consequential amendments made to the supporting justification and Policy numbering.

189. Policy H7 does not meet the Basic Conditions.

- **Delete Policy H7**

190. Policy H8 – This allocates the Old Conservative Club for a minimum of 12 dwellings.

191. Policy H8 is supported by a Proposal Plan which shows the boundary of the allocation. The Policy includes unnecessary references to requiring compliance with other development plan policies and a “*Note*” which should be reference in the supporting justification. The policy criteria proposed are reasonable although no evidence is provided to justify their prescription as to what development “*must*” provide.

192. There is a mismatch between the site assessment identifying a potential for four dwellings and an allocation for a minimum of 12 dwellings. The higher allocation is supported by some preliminary architectural drawings provided on request.

193. Policy H8 does not meet the Basic Conditions.

- Amend Policy H8 to:
 - [Delete Section a)]
 - Replace “*must*” with “*should*” in the first bullet of Section b)
 - [Replace from “*required*” to end of third bullet with “for appropriate measures such as car club infrastructure, including parking bays, and/or other car club enabling measures, such as membership subsidy”
 - Delete the last two paragraphs]

- Amend the supporting justification to include the guidance provided in the last two paragraphs of Policy H8.

8. Recommendation and Referendum Area

194. I am satisfied the Newhaven Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.