

Seaford Neighbourhood Plan Examination

19 August 2019

Request for Clarification from the Examiner to Seaford Town Council and to Lewes District Council

Further to reviewing the Seaford Neighbourhood Plan and supporting information, I would be grateful for the assistance of both Seaford Town Council (re: all Questions) and Lewes District Council (particularly Questions 1 and 15) in respect of clarifying a number of matters in writing.

In responding to the matters where I seek clarification, set out in bold/italics below, please do not direct me to any evidence that is not already publicly available.

Please can all responses be provided within four weeks of the above date. If this poses any difficulties and more time would be helpful, please let me know.

Thank you

Nigel McGurk

**Nigel McGurk BSc (Hons) MCD MBA MRTPI
Independent Examiner
Seaford**

1. European Obligations (Sweetman Judgement) ***(matter for clarification by Lewes District Council)***

National guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

- *“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations”* (Planning Practice Guidance¹).

In April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta* (“*People over Wind*”), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.

In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an *Appropriate Assessment* to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.

These changes came into force on 28th December 2018 and this pre-dated the submission of the Neighbourhood Plan. As the regulations are now in force, it is important to double-check that, wherever necessary, an *Appropriate Assessment* has been undertaken.

Lewes District Council concluded in a screening opinion that recommended that a Strategic Environmental Assessment (SEA) be carried out. This was followed by a scoping report, which was, itself, considered by the statutory bodies with environmental responsibilities and subsequently, a Sustainability Appraisal was submitted alongside the Neighbourhood Plan.

¹ Planning Practice Guidance Reference ID: 11-031-20150209.

The Sustainability Appraisal identifies the only site scoped in by Lewes District Council's Core Strategy Habitats Regulations Assessment (HRA) as Ashdown Forest SPA and SAC. Not only is this site is located some 24km north of the Neighbourhood Area, but the Lewes District Council's own HRA addendum (September 2017) concluded that no adverse effect upon the integrity of Ashdown Forest is expected to result from development relating to the Core Strategy. The Sustainability Appraisal submitted alongside the Neighbourhood Plan goes on to state that the document and development associated with it can "be screened out of the *Habitats Regulations Assessment*."

The Consultation Statement submitted alongside the Neighbourhood Plan shows that matters relating to "*People Over Wind*" have been taken into account. Furthermore, neither Lewes District Council nor any of the statutory consultees (Historic England, Natural England and the Environment Agency) have expressed any concerns in respect of European obligations.

- ***Taking all of the above into account, please can Lewes District Council confirm that it is satisfied (or is not satisfied) that the Neighbourhood Plan is compatible with European obligations.***

We can confirm, as the Competent Authority for the Lewes Local Plan Part 2 & Neighbourhood Plans Habitat Regulations Assessment (HRA) 2018, that we are satisfied that there are no HRA implications arising from the Seaford Neighbourhood Plan (p20 of the HRA 2018).

Appendix B (p51) of the HRA 2018 confirms that there are no adverse effects on the integrity of the Ashdown Forest or Lewes Downs SACs arising from traffic related effects, a conclusion that Natural England – the statutory consultee agrees with.

In support of the HRA 2018, the following was reported to the Inspector for the LPP2 Examination in Public through Core Document 006 the Regulation 22 Consultation Statement (p92).

"Natural England is satisfied that the HRA has correctly identified all relevant designated sites for the assessment and agrees with all the conclusions."

2. Comments on Regulation 16 Representations ***Optional Response from the Town Council***

Neighbourhood Planning Independent Referral Service (NPIERS) Guidance²
Paragraph 1.11.4 states that:

“The qualifying body will normally be given the opportunity to comment on the representations made by other parties... This may be particularly important where the matters concerned have not been raised at Regulation 14 stage. The opportunity for the qualifying body to comment on representations could be incorporated within an independent examiner’s clarification note...”

- ***Consequently, whilst not a requirement, I confirm that, in responding to this letter, there is an opportunity for Seaford Town Council to comment on any of the representations made during Regulation 16 consultation, should it wish to do so.***

As explained previously, due to a software problem with Word, Policy SEA 10 was lost from the Second Reg 14 consultation version of the Neighbourhood Plan when some amendments were made to the Plan. Seaford Town Council, acting on professional advice, decided to withdraw the policy rather than risk being required to repeat, for the second time the Reg 14 consultation.

Lewes District Council’s proposed Health Hub at the Downs Leisure Centre has proved to be very controversial with many local objections. This proposal has been developed by LDC and is supported by the Neighbourhood Plan Team. There is much further consultation required by LDC and much detailed work will be necessary to progress the project. A group of local residents known as the Downs Development Neighbourhood Voice (DDNV) has conducted a campaign against the Hub and a petition with over 2,500 signatures has been presented to LDC. A Scrutiny Panel of District Councillors is reviewing the project with a remit to make early recommendations to the LDC Cabinet.

DDNV’s comments on the Reg 16 version of the Plan were formulated as a complaint to LDC. Two further complaints were made to LDC by DDNV. These complaints are based on a fundamental misunderstanding of the role of the Seaford Neighbourhood Plan. In addition, two complaints have been made to STC. These complaints are being investigated within the relevant Authority’s Complaints procedures. Full documentation can be provided to the Examiner on request. See also our response to your questions on the impact on SEA 15 (Housing Development).

² NPIERS “Guidance to Service Users and Examiners”

3. Policy SEA1 [Developments within or affecting the SD National Park]

- ***Please can you point me to national or local strategic planning policy that would support the requirement for development to conserve and enhance of all views from the specific locations set out in “Landscape Character Views” document? Is there any information to demonstrate how this might be deliverable?***

Policy Support

The National Planning Policy Framework at paragraph 125. States “Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. Important views to be retained as part of development are a key element of design. ‘Building for Life’, the design guide endorsed by paragraph 129 of the NPPF in section 6 on ‘Working with the site and its context’ includes as one of its checklist questions 6a “Are there any views into or from the site that need to be carefully considered?”.

The South Downs National Park Local Plan (adopted 2nd July 2019) Strategic Policy SD6: Safeguarding Views requires that

- 1. Development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the National Park, in particular by conserving and enhancing key views and views of key landmarks within the National Park.*
- 2. Development proposals will be permitted that conserve and enhance the following view types and patterns identified in the Viewshed Characterisation & Analysis Study:*
 - a) Landmark views to and from viewpoints and tourism and recreational destinations;*
 - b) Views from publicly accessible areas which are within, to and from settlements which contribute to the viewers’ enjoyment of the National Park;*
 - c) Views from public rights of way, open access land and other publicly accessible areas; and*
 - d) Views which include or otherwise relate to specific features relevant to the National Park and its special qualities, such as key landmarks including those identified in Appendix 2 of the Viewshed Characterisation & Analysis Study, heritage assets (either in view or the view from) and biodiversity features.*
- 3. Development proposals will be permitted provided they conserve and enhance sequential views, and do not result in adverse cumulative impacts within views”.*

Whilst this policy refers specifically to the views identified in the NPA’s Viewshed Characterisation & Analysis Study, it nonetheless supports the idea that views are an important planning consideration and that any policy protecting them should be supported by evidence. In the case of Seaford policy SEA1 this evidence is provided in the Statement on Seaford’s Local Landscape Character and Views.

Similarly, the Lewes Joint Core Strategy 2010-2030 includes Core Policy 10 – Natural Environment and Landscape Character which says:

- “1. The natural environment of the district, including landscape assets, biodiversity,

geodiversity, priority habitats and species and statutory and locally designated sites, will be conserved and enhanced by:

i. Maintaining and where possible enhancing the natural, locally distinctive and heritage landscape qualities and characteristics of the district including hedgerows, ancient woodland and shaws, as informed by the East Sussex County Landscape Assessment and the Lewes District Landscape Capacity Study”.

The East Sussex County Landscape Assessment can be accessed at <https://www.eastsussex.gov.uk/environment/landscape/> The urban area of Seaford is within area 32. Whilst this does not mention views per se it nonetheless identifies landscape characteristics of Seaford that are considered valuable and this is explored in more detail in the Seaford’s Local Landscape Character and Views study.

Deliverability

Development proposals will be expected to consider the impact of their proposals on the identified views and amend the design where necessary to ensure that they are conserved. For instance, this may mean orientating built development so that new buildings do not block views into or across the site. Where there are detracting features within these views that are within the control of the applicant, then it is expected that the design will consider removing or mitigating these detractors to enhance these views.

- ***Is there evidence you can point me to that demonstrates how development can conserve and enhance “appropriate management” in a deliverable manner?***

SEA1 requires development to conserve and enhance features of biodiversity, geological and heritage interest, including appropriate management of those features. The intention of the last phrase is to highlight that the conservation and enhancement of such features doesn’t just mean retaining them as they are at present, but also committing to managing them in the long term. For example, it isn’t sufficient just to retain hedgerows or trees on a site, there must be a management plan put in place as part of the planning permission to ensure that these features are appropriately looked after. Such management plans are frequently required by local planning authorities either by condition or through s106 agreements.

4. Policy SEA2 [Design]

- ***Please can you point me to evidence in respect of why the ten criteria set out in the Policy are relevant and applicable to all forms of development? Please can you also point me to information in respect of the deliverability of the Policy and information in respect of when it will be appropriate to apply criteria f) and g)?***

Criterion a) applies to all development. Even a household extension or fence could impact on the character of the area or the important views.

Criteria b) – e) apply mainly to new housing, employment, retail or community/education development and this could be clarified in the wording.

Criteria f) and g) the validation lists published by the local planning authorities will

specify when it is appropriate to submit a landscape assessment or an Ecological Impact Assessment (EcIA). These criteria set out what needs to be considered in these assessments.

5. Policy SEA3 [Conservation Areas]

- ***Policy SEA3 sets out an approach to heritage which is different to and which conflicts directly with Chapter 16 of the National Planning Policy Framework (the Framework). Please can you point me to the justification for the different approach set out?***

The Planning (Listed Buildings and Conservation Areas) Act 1990, section 72 has a general duty as respects conservation areas in exercise of planning functions, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

The recently adopted South Downs Local Plan includes Development Management Policy SD15: Conservation Areas which says:

1. Development proposals within a conservation area, or within its setting, will only be permitted where they preserve or enhance the special architectural or historic interest, character or appearance of the conservation area. Sufficient information to support an informed assessment should be provided on the following matters:
 - a) The relevant conservation area appraisal and management plan;
 - b) Overall settlement layout and relationship to established landscape setting;
 - c) Historic pattern of thoroughfares, roads, paths and open spaces, where these provide evidence of the historic evolution of the settlement, and the historic street scene;
 - d) Distinctive character zones within the settlement;
 - e) Mix of building types and uses, if significant to the historic evolution of the settlement;
 - f) Use of locally distinctive building materials, styles or techniques;
 - g) Historic elevation features including fenestration, or shop fronts, where applicable;
 - h) Significant trees, landscape features, boundary treatments, open space, and focal points; and
 - i) Existing views and vistas through the settlement, views of the skyline and views into and out of the conservation area.
2. Within a conservation area, development proposals which involve the total or substantial demolition of buildings or structures will only be permitted where it is sufficiently demonstrated that:
 - a) The current buildings or structures make no positive contribution to the special architectural or historic interest, character or appearance of the conservation area; and
 - b) The replacement would make an equal or greater contribution to the character and appearance of the conservation area”.

Whilst the wording of SEA3 differs slightly to the above policy it is nevertheless considered to be in general conformity with it.

Whilst only Bishopstone Conservation Area is within the National park, nonetheless it is assumed that such a recently adopted Local Plan policy cannot be contrary to national policy on conservation areas.

The remaining Conservation Areas are within the urban area of Seaford and therefore covered by Lewes District as local planning authority. Lewes District has prepared a Part 2 Plan dealing with site allocations and development management policies. Whilst this is not a strategic plan that the Seaford Neighbourhood Plan is required to be in general conformity with, it is nonetheless relevant because its policies have been recently tested at Examination. Main modifications have been consulted on, but do not make any changes to Policy DM33: Heritage Assets which says:

“Development affecting a heritage asset will only be permitted where the proposal would make a positive contribution to conserving or enhancing the significance of the heritage asset, taking account of its character, appearance and setting. All development proposals that affect a heritage asset or its setting will be required to submit supporting information proportionate to the significance of the asset, including: (a) an assessment of the archaeological, architectural, historic or other significance of the affected asset, including any contribution made by its setting; (b) an assessment of the impact of the proposed development on the significance of the asset or its setting; (c) a statement of justification for the proposed development, together with details of any measures proposed to avoid, minimise or mitigate any harm to the significance of the asset.

Where the loss of the whole or part of a heritage asset can be justified, the Council will seek, by a legal agreement and/or condition, to ensure that the new development will proceed within a reasonable timescale after the loss has occurred”.

Policy SEA3 is not more onerous than this policy but rather seeks to make it more locally distinctive by referring to the evidence in Conservation Area Appraisals and the General Design Guidelines for Seaford.

6. Policy SEA4 [Bishopstone Conservation Area]

Please can you point me to national or local strategic planning policy that would support the prevention of any form of development in the locations described in the Policy?

The strategic policies are the same as those quoted for SEA3 above. SEA4 reflects saved policy SF11 from the Lewes Local Plan 2003 but words it positively rather than negatively. SF11 states:

“SF11 Planning permission will not be granted for any development which would detract from the isolated character of Bishopstone village and its downland setting in the Bishopstone valley as shown on Inset Map No 4. No further development will be allowed to intrude into the valley or the ridgelines around the valley”.

Whilst this is not a strategic policy, it has successfully protected the Bishopstone Conservation Area for many years and has significant local support, as demonstrated by the volume of representations received at Regulation 14 stage about this policy.

7. Policy SEA5 [Areas of Established Character]

- ***As set out, the Policy would prevent many forms of development within Seaford's Areas of Established Character, including household extensions. Please can you clarify how the various things to be retained can be retained whilst allowing for sustainable forms of development ?***
- ***Is the general aim of the Policy to ensure that all development respects Seaford's Areas of Established Character ?***

As for SEA3 above, the progress of a similar policy in the Lewes Local Plan Part 2 is relevant. This is Policy DM34: Areas of Established Character which states:

“Development within Areas of Established Character, as defined on the Policies Map, will be permitted where it reflects the existing character of the area in terms of the gaps between buildings, building height, building size, site coverage, set-back from the street, boundary treatments, mature trees, hedges and grass verges”.

The AoECs identified in this policy include:

- Firle Road, Seaford
- St Peters Road, Seaford
- Glebe Drive, Seaford
- Belgrave Road, Westdown Road and Beacon Road, Seaford
- Blatchington Road/Richmond Terrace, Seaford
- Chyngton Road and Cuckmere Road, Seaford
- Chyngton Way, Seaford
- Corsica Hall, Seaford
- Sutton Park Road, Seaford

This policy has not been amended in the recently published Main Modifications so presumably the Inspector is happy that it is a sound policy – a higher bar than required for neighbourhood plans. The wording is very similar to that proposed in SEA5.

8. Policy SEA6 [Seafront]

- ***There are high rise buildings along the seafront, please can you point me to evidence in support of criterion 6c)***

Also see below. The height of the flats (Eversley Court) built a few years ago on the seafront (referred to in the retained policy below) was an issue considered by the Inspector in the appeal. The developer wanted six stories but only five were eventually agreed. This shows the continued relevance of criterion c in the Policy.

- ***Please can you point me to information that clearly establishes the natural, open and un-commercialised areas of the seafront referred to by the Policy***

Policy SEA6 is based on various sources of work drawn upon by the Neighbourhood Plan Team:



- *the retained policies in LDC Local Plan 2003 (see http://www.lewes-eastbourne.gov.uk/ldcllocalplan/lewes_local_plan/written/written_frame.htm?cpt14.htm&sf14.) Paragraph 14.70 of this plan states: “The character of the seafront is a very important asset to the town. Its character is derived from its openness and informality, which has escaped any major form of commercialism. Accordingly, it is important that these elements are retained as it is the unspoilt character of the seafront which is the attraction to many residents and visitors”.*
- *Work by the Seaford Community Partnership in 2010/13, included a questionnaire exercise and a weekend exhibition where the ideas from local residents; school children; and students from Brighton University were displayed. The Community Partnership’s vision for the Seafront was endorsed by Seaford Town Council in 2010. The Vision stated that: “The beach and seafront should be such that it: “Enhances and complements the natural beauty of the Bay and Seaford Head; and “Encourage the quiet enjoyment of healthy activities...” The Seaford Community Partnership’s Annual Report for 2010/11 summarised the views of the residents and visitors as being to “appreciating the panoramic beauty of the bay and do not want to have it spoilt by over commercialisation”*
- *Results of a questionnaire issued by the Environment and Countryside Focus Group at the public consultation on 30th November 2016 and subsequently put on the Neighbourhood Plan Website. This showed that 79% of respondents agreed that development should be allowed providing it:*
 - *“Does not detract from the natural, open, un-commercialised environment of the Seafront; and*
 - *Does not impact on the spatial or visual openness or attractiveness of the Seafront and its unspoilt vistas”.*

This policy was subsequently included in the Environment and Countryside Focus Group’s Working Paper published on the Neighbourhood Plan Website.

- Analysis of the questionnaire issued as part of the First Regulation 14 Consultation showed that 97% of those expressing an opinion were in favour of the seafront SEA6 policy. The support for this policy was the highest level (equal with SEA2 Design) of all policies. 35% of the comments on the seafront emphasised the importance of natural, open and uncommercialised areas of the seafront using such expressions as: “as natural as possible” “retain peace and tranquility” “sensitive development” “more trees and landscaping”

9. Policy SEA8 (LGS)

- ***Sites 10 and 12 appear extensive relative to the size of Seaford. Please can you point me to evidence in respect of why sites 10 and 12 do not comprise extensive tracts of land?***

This issue is dealt with extensively in the Feb 2019 Local Green Spaces report, (see STC website, Neighbourhood Plan, Supporting documents), where both elements of the site are evaluated against the NPPF (July 2018. Paragraphs 99-101) requirements. So, for site 10, see pp50-54 of the LGS report where it states “While the criteria state that it should not be an ‘extensive tract of land’, there is no definition of this, and the

only discussion so far relates to much larger sites. Natural England's guidance suggests that more than 20ha would be considered an extensive tract of land, but Natural England does suggest that larger sites are more acceptable (and often necessary) in 13 wider countryside areas (as here)." For site 12, see pp 58-64 of the LGS report where it states "Site Area: 14.5 Ha total. Although the site area is 14.5 Ha, this is smaller than other UK sites that have been designated as Local Green Spaces and less than that defined by Natural England. As noted in the Plumpton Local Green Spaces and Infrastructure report (see supporting documentation): "While the criteria state that it should not be an 'extensive tract of land', there is no definition of this, and the only discussion so far relates to much larger sites. Natural England's guidance suggests that more than 20ha would be considered an extensive tract of land, but Natural England does suggest that larger sites are more acceptable (and often necessary) in 13 wider countryside areas (as here)."

- ***Much of the evidence relating to Site 8 appears to relate to the Old Brickfield. Please can you point me to detailed, specific evidence in respect of why the site adjacent to 47 Surrey Road meets the relevant Local Green Space tests set out in the Framework and to relevant community support for the allocation of this specific part of Site 8 as Local Green Space?***

Please see Pages 43 – 47 of the Local Green Spaces report (STC website, Neighbourhood Plan, Supporting Documents) which shows that the site meets the criteria in Paragraphs 99-101 of the NPPF. Both sites were originally one until the embankment for the railway was built in 1862/4. The two sites are now joined by a culvert. The Surrey Road (Hawth Pond) was first identified as a Local Green Space at the informal consultation in November 2016. 91% of respondents to the associated questionnaire agreed that the sites identified should be Local Green Spaces. Nearly all those who did not agree suggested additional sites that should be Local Green Spaces. This pattern continued through the two Regulation 14 consultations. The owner of the site has consistently maintained that the site should not be a Local Green Space and should be used for housing on at least part of the site.

- ***Please can you clarify the reasons why Site 4 has been proposed as Local Green Space, taking into account comments received during consultation?***

This issue is dealt with extensively in the Feb 2019 Local Green Spaces report, (see STC Website, Neighbourhood Plan, Supporting documents) where the site is evaluated against the NPPF (July 2018. Paragraphs 99-10) requirements, - see LGS report pages 22-28 for the detailed analysis.

10. Policy SEA10 [Health]

- ***Please can you confirm that the Qualifying Body wish to delete this Policy***

We confirm the Seaford Neighbourhood Plan Steering Group's agreement to delete from the Plan, Policy SEA10 on Health and the associated Paragraphs 6.37A-6.37C. This is because a glitch in Microsoft Word meant that adding into the Plan (by accepting tracked changes), redrafted (and longer) paragraphs immediately before the Second

Reg 16 Consultation documents were published, led to the Policy itself being inadvertently deleted from the draft. Even though the Policy SEA 10 appeared in the list of policies at the beginning of the Plan we feel it is safer to delete the policy rather than run the risk of the Plan being challenged later. Please see SEA15 below for the impact of recent events on the Downs Hub on the housing sites proposed for development.

11. Policy SEA11 [New Business Space]

- ***Please can you point me to evidence in respect of the viability or deliverability of excavating the whole site on commencement as opposed to say, phasing or a requirement to generally maintain heights of buildings across the whole site which criterion b already seeks to do)?***

The site is in a very sensitive position as unless buildings are carefully screen, it would be possible to be seen from a local beauty spot, High and Over, which has a panoramic view over the National Park and the sea. The highest part of the site borders on to the National Park so buildings the same height as some buildings lower down on the site would be seen from the National Park. The highest part of the present industrial area was excavated when it was first created. If the height of buildings was the only criteria and there was no excavation, then there would be a risk of the buildings on the site not being screened from view from the Park. As far as phasing is concerned, the additional site is too small to merit a piecemeal approach.

- ***Please can you point me to viability information in support of criterion c? Please can you point me to evidence of the specific off-site highway works (and costs) required?***

This policy is based on a policy retained from the 2003 Plan, so we have no recent viability information. Access to the Cradle Hill Industrial area is via a narrow road that goes through housing and the junction with the Alfriston road is on a bend so access is a sensitive issue. We understand, however, that transport impacts are covered by Local Plan policies (Core Policy 13- sustainable travel- and Part 2.

- ***Please can you point me to information in respect of how the 4m distance in criterion d has been determined and why the buffer needs to be of varying width?***

As this is based on a retained policy the detailed justification is not now available. C Criterion a) and c) could, if necessary be replaced by:
“The development shall be designed to minimize the visual impact of the development, particularly from the adjacent South Downs National Park”

12. Policy SEA12 [Visitor Accommodation]

- ***Please can you point me to information in respect of who might determine “just outside” and on what basis?***

On reflection “adjoining the planning boundary” is a more commonly used

term and should be used.

- ***Please can you point me to information in respect of how a decision maker should determine what comprises more social, environmental or economic benefits to the area? Please can you point me to any baseline information in this regard?***

An example would be if it is proposed to redevelop a hotel to another economic use such as conference facilities or to another use that provides public benefits to an area rather than just residential accommodation. The baseline would be the benefits to the area of the existing use.

13. Policy SEA13 [Church Lane Footpath].

This supersedes 2003 Local Plan Policy SF I.

- ***Please can you point me to the detailed plan showing the precise boundaries of the proposed pedestrian link (the Map in the Neighbourhood Plan is too small)***

[Apologies the map is far too small- manuscript revised map attached. A better quality version will be produced by our mapping expert when he is available].

- ***Is it the intention of the Policy to require the pedestrian link to be provided as part of the development of the site (it currently includes a vague reference to “in the area”)? Or is it intended to safeguard the land? If the former, please can you point me to evidence in respect of the deliverability/viability of this requirement?***

The intention of this policy is that, if any development is proposed that would affect the intended line of the footpath, then it should incorporate the link – i.e. implement it. Safeguarding is not sufficient because that just means they can't build across it. This an existing route, (and has been so for many years) which isn't recognized as a public right of way.

14. Policy SEA14 [Future Transport projects]

- ***Given the absence of specific information, it appears difficult for a decision maker to know precisely what development might “inhibit” the re-dualling of train lines Is it the basic intention of the Policy to safeguard the area shown on Map 9?***

Any building on the land that would prevent a second railway track being laid. Yes, this is the intention.

**15. Policy SEA15 [We have taken this to mean also SEA 16/17]
(For the Qualifying Body and Lewes District Council)**

- ***Removing the Downs site, does Lewes District Council consider that the proposed allocation of 210 dwellings in Policy SEA15 is made up of viable and readily deliverable sites? If yes, please can you point me to detailed supporting evidence?***

Lewes District Council is satisfied that the sites allocated in Policy SE15 are viable and deliverable within the Plan period.

Four of the sites are included in the 2018 SHLAA assessment, Holmes Lodge, Station Approach, Elm Court and Florence House and meet the SHLAA criteria using the standard methodology, which has been updated to reflect national policy and guidance. Evidence for these and the remainder of the sites is in the individual assessment sheets and the Sustainability Appraisal which has evaluated each site. For the Sustainability Appraisal for these sites, please refer to the SA document, paras 4:10-4:17 for the process, and pp131-157 (the proposed sites are highlighted in blue for ease of identification). The site assessment sheets are located here <https://www.seafordtowncouncil.gov.uk/Seaford-NDP-Submission-Documents.aspx>

The SA is located here

<https://www.seafordtowncouncil.gov.uk/Seaford-NDP-Submission-Documents.aspx>

The Dane Valley project, comprising 10 individual sites has been assessed by Aecom. The final Viability Report can be found on the Seaford Town Council website to demonstrate the deliverability and viability of the project

<https://www.seafordtowncouncil.gov.uk/Seaford-NDP-Supporting-Documents.aspx>

The Qualifying Body is required to provide proportionate evidence for the site allocations and LDC is satisfied that this requirement has been met. There is some concern regarding the timing of delivery of sites which are not currently available: Jermyn Ford, Hyundai, Station Approach and Seven Sisters Public House, however we anticipate these will be delivered within the Plan period. Furthermore, the SNP has allocated over its requirement by 25 units.

As of April 2019 LDC has 5.59 years supply of housing. The examination hearings for the Local Plan Part 2 took place earlier in the year; no modifications were recommended regarding the reliance of the district land supply on Neighbourhood Plans, and additional site allocations were not required.

- **Representations to the Neighbourhood Plan question the deliverability of the proposed allocations. Please can the Qualifying Body point me to detailed evidence in respect of the deliverability and viability of the allocations?**

The evidence for all proposed allocations is in the individual site assessment sheets and the Sustainability Appraisal which evaluates them (as referred to above). In addition, the case of the Dane Valley sites is augmented by 2 reports by AECOM.

In responding to the above, please can the Qualifying Body confirm or otherwise:

Is Site iii) [Homefield Place] available for residential development?

Yes, although ESCC is currently seeking to sell it to a care home provider for a 55-bed care home, who has submitted a planning application for this purpose which is awaiting decision. In this case the scheme will still count towards the housing total given recent Government guidelines that care home units can count towards the LPA housing target figures, but this misses the point that the NP's clear objective is to provide general needs housing as there is a demonstrable oversupply of care home beds in the town.

Is Site iv) [Brooklyn Hyunda] available for residential development?

Yes. See detailed site assessment sheet SC13

Is Site vii)[Old House Depository] available for residential development ?

It is now fully built and sold.

Is there detailed evidence in respect of the viability and deliverability of 104 dwellings at Site i) [Dane Valley]

See the 2 AECOM reports referred to above.

Please can you point me to detailed information to demonstrate that 7 dwellings can be provided at Site xi) [Florence House] without harm to heritage assets?

See detailed site assessment sheet for Florence House Site SS6

Does the Qualifying Body wish to withdraw Site x) from the Neighbourhood Plan?

Yes. The current review of the housing element of the Downs site, by both Seaford Town Council, and Lewes District Council, means that the site cannot be said to be viable and readily deliverable. Because the Seaford Neighbourhood Plan has over-programmed its proposals, (218 dwellings to meet a target of 185) the homes above the new retail unit on the Downs site - 8 dwellings' is best omitted from the proposal, without detriment to the rest of the SEA15 proposal.

16. Policy SEA18 [Planning Boundary,]

- Please can you point me to national or local strategic planning policy which rules out development outside settlement boundaries; and to any justification for the Policy's apparent conflict with Chapters 5 and 6 of the Framework (in respect of supporting appropriate housing in the countryside and building a strong economy)?***

Please see response below.



17. Policy SEA19

- ***National and local strategic policy supports brownfield development. Please can you point me to the justification for Policy SEA19 preventing brownfield development outside the settlement boundary?***

The Lewes Local Plan Part 2 includes Policy DM1: Planning Boundary which says:

- “Within the planning boundaries, as defined on the Policies Map, new development will be permitted provided that it is in accordance with other policies and proposals in the development plan.
- Outside the planning boundaries, the distinctive character and quality of the countryside will be protected, and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated”.

No changes are proposed to this policy in the recently published Main Modifications so presumably the Inspector is content that it complies with national policy.

- ***Please can you point me to detailed evidence demonstrating that there is no land within Seaford, other than brownfield land, that might be capable of providing for sustainable development?***

This is covered in summary in the SNP on the STC website <https://www.seafordtowncouncil.gov.uk/Seaford-NDP-Submission-Documents.aspx> (para 6.56) and in great detail in the Housing Focus Group report (paras 5.4.14-5.4.33)

Thank you for your consideration of all of the above.
