

Lewes District Council's Comments on the Draft Plumpton Neighbourhood Plan

Thank you for inviting us to comment on the Neighbourhood Plan. Having been involved from the onset, it is pleasing to see the Plan progress to the draft plan stage and the Steering Group should be proud of their efforts to date.

The comments set out below are the views of officers at Lewes District Council and have been approved by the Lead Member for Planning. The comments generally focus on the policies of the Neighbourhood Plan rather than the background text or appendices. We do however begin with some general comments on the Neighbourhood Plan and briefly touch upon the non-policy sections of the plan.

The analysis is presented in a table. For ease of reference, the policies have been colour coded to represent the following:

Green	The policy is considered acceptable against the criteria we have assessed it against
Amber	Although the policy is generally considered acceptable, we do recommend certain changes in order to improve it, particularly when it comes to its usability by Development Management officers, Planning Committees, applicants, agents, consultees, etc.
Red	We advise against the inclusion of the policy in the NDP/the policy is not useable/the policy presents us with concerns that we can't offer solutions
Blue	Although acceptable, the policy achieves little/repeats policy in higher-level documents

Whilst the detailed comments can be found in the tables, a summary of the comments are found below.

General Comments

Firstly, the parish council should be congratulated for the time and effort they have put into producing a well-informed and locally-distinctive neighbourhood plan, the policies of which will be very useful to planning officers when determining future applications in the parish.

On the whole, the plan is well-presented, well-written and clear although some suggestions have been made in the table below to help refine policies further to ensure that the intentions of the parish council and local community are realised through implementable planning policies.

The evidence base underpinning the neighbourhood plan, notably the Site Assessment Report and Sustainability Appraisal (SA) provide a solid basis for the plan. The Sustainability Appraisal (SA) has been influential in the consideration of 'reasonable alternatives' and the refining of the preferred

approaches and ultimately, we believe that the SA complies with European and national legislation, subject to the inclusion of a brief 'Non-technical Summary'. National Planning Practice Guidance describes a non-technical summary as:

“The environmental report must include a non-technical summary of the information within the main report. The summary should be prepared with a range of readers in mind, and provide a clear, accessible overview of the process and findings”

Nevertheless, there is one element of the plan which we are significantly concerned with and unless these concerns are overcome it is likely to lead to the plan not passing the basic conditions tests. Policy 2.5 allocates a site south of the railway for residential development which, as the parish council are aware, the district council has significant concerns over. We remain of the opinion that satisfactory evidence has not been provided by the parish council, and in some ways more importantly the landowner/site proponent, to demonstrate how our concerns can be overcome. Our comments to this particular site are outlined in detail in the table below, however, ultimately it is our belief that with this site retained in the neighbourhood plan, the plan may fail to meet the basic conditions against which a neighbourhood plan is examined due to a conflict with national and local planning policy and with regard to the achievement of sustainable development.

Planning Policy Context

Paragraph 3.3, and the paragraph below that, can be replaced with the following:

“The Joint Core Strategy was adopted by Lewes District Council on 11 May 2016 and the South Downs National Park Authority on the 23rd June so now forms part of the development plan for the district. It therefore comprises the local planning policy that the neighbourhood plan must be in general conformity with. Whilst the 2003 Lewes District Local Plan has been superseded, some of the ‘saved’ policies of the 2003 Lewes District Local Plan have been retained through the JCS (see list below) and so are still also part of the development plan. It should also be mentioned that the evidence base for the Joint Core Strategy has been influential in the preparation and development of the Plumpton Neighbourhood Plan, even before the plan was adopted in May 2016”

Delete paragraph 3.4 and insert amended list (see below) of 2003 Local Plan Policies

The following policies of the 2003 Local Plan from that list can be deleted as they have been replaced by the Joint Core Strategy policies – ST1, RES9, RES20, E8, E10, RE2, RE9, RE10 and T7.

Paragraphs 3.5 and 3.8 can be updated to reflect the adoption of the JCS.

Objectives

The objectives of the neighbourhood plan are supported. They clearly reflect the aspirations of the local community and also align with the objectives of the Joint Core Strategy.

Paragraph 5.7 needs updating to reflect the adoption of the JCS.

Policy	Regard to national policy?	Does it undermine strategic policies?	Notes
1	Yes	No	The intention of the policy is supported.
2	Yes	No	<p>This policy is supported in that it proactively allocates residential sites to meet the minimum housing requirements for Plumpton Green set in Spatial Policy 2 of the Joint Core Strategy (JCS). It sets out some of the key principles for new development in the parish to respect which will be useful for Development Management officers and Planning Committee members.</p> <p>Set out below is a suggested re-drafting of the policy which should make the policy clearer and more implementable, not just for the sites allocated but for all new development in the parish over the plan period. This re-drafting would ensure that new development other than the sites allocated through this policy, i.e. windfall sites within the planning boundary, would be required to conform to the key principles set out in the policy:</p> <p>Policy 2: New Housing In The Parish</p> <p>This policy identifies a number of residential sites which reflect the aspiration of parish residents as set out in the key principles below. It is expected that all new residential development (for example windfall sites), where practical, should also adhere to these principles:</p> <ul style="list-style-type: none"> • The type of housing meets local needs, in particular for young families and people wishing to downsize; • housing will be provided in small to medium clusters in northern and southerly locations to maintain the linear form of Plumpton Green • key principles such as landscaping buffers and screens and appropriate access should be included; • developments should not include street lighting • sympathetic to the scale, topography and character and setting of the Parish <p>The final paragraph refers to 2003 Local Plan policies T9 and T10 which have been replaced by Core Policy 13 of the JCS. They are no longer in existence and so CP13 should be inserted instead.</p>
2.1	Yes	No	This policy is supported. Residential development on this site would enable the upgrading of the Racecourse necessary to secure its long term future. This policy therefore aligns with Core Policy 4 of

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			<p>the JCS in its support for tourism and the rural economy. The policy is generally flexible whilst also identifying some of the key issues that development of the site would need to consider or address.</p> <p>It is suggested that the third bullet point is amended to the following to ensure that the policy does not conflict with permitted development rights - "the buildings are no more than two storeys in height, although this would not preclude the use of roof space".</p>
2.2	Yes	No	<p>The district council does have some concerns over the loss of the green gap between the village and the farm to the north and the distance to village services, as evidenced in the SHLAA, however it is acknowledged that this site reflects the parish resident's aspirations for linear growth of the village over the plan period and that efforts have been made to overcome these concerns and so the policy supported.</p> <p>It is suggested that the third bullet point is amended to the following to ensure that the policy does not conflict with permitted development rights - "the buildings are no more than two storeys in height, although this would not preclude the use of roof space".</p> <p>It is suggested that the following is added to the end of the fourth bullet point – "in accordance with Policy 9"</p> <p>Whilst planning policy cannot in itself direct a change in the speed limit, we would urge the parish council to have discussions with the highway authority (ESCC), if not already done, on implementing this change to the speed limit.</p>
2.3	Yes	No	<p>The district council does have some concerns over the loss of the green gap between the village and the dwellings to the north and the distance to village services, as evidenced in the SHLAA, however it is acknowledged that this site reflects the parish resident's aspirations for linear growth of the village over the plan period and that efforts have been made to overcome these concerns and so the policy supported.</p> <p>It is suggested that the third bullet point is amended to the following to ensure that the policy does not conflict with permitted development rights - "the buildings are no more than two storeys in height,</p>

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			<p>although this would not preclude the use of roof space”.</p> <p>It is suggested that the following is added to the end of the fourth bullet point – “in accordance with Policy 9”</p> <p>Whilst planning policy cannot in itself direct a change in the speed limit, we would urge the parish council to have discussions with the highway authority (ESCC), if not already done, on implementing this change to the speed limit.</p>
2.4	Yes	No	<p>The allocation of this site is supported. Whilst not strictly being a brownfield site, the supporting text picks up on the site’s previous industrial use in line with paragraph 111 of the NPPF. The site does have development constraints (as picked up in the policy criteria) and the flexible nature of the policy should enable the delivery of an appropriate and viable development.</p> <p>It is suggested that the third bullet point is amended to the following to ensure that the policy does not conflict with permitted development rights - “the buildings are no more than two storeys in height, although this would not preclude the use of roof space”.</p>
2.5	No	yes	<p>As acknowledged in the neighbourhood plan, Lewes District Council has previously expressed concern over this site due to the difficulties that seemingly exist with achieving a safe pedestrian access to the site and the appropriateness of the location south of the railway for development, particularly in landscape terms. LDC encouraged the steering group and landowner/agent to provide evidence to demonstrate how the concerns could be overcome and it is acknowledged that some of these have been mitigated or somewhat reduced. However, fundamental concerns remain and, ultimately, LDC remains in opposition to the principle of development on this site. Further details of more specific issues are given below:</p> <p><u>Pedestrian Access</u></p> <p>It is acknowledged that the policy sets a requirement for a safe pedestrian access to be provided from the site/car park to the village which is supported. Also, since LDC’s initial concerns were raised, a demarcated pedestrian crossing across the railway track has been provided which has improved safety for this stretch of the pedestrian journey to the village services. However, we would like to have</p>

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			<p>seen additional evidence (for example more detailed plans provided by the landowner) to inform our view and to demonstrate whether the policy criteria is achievable. Discussion with adjacent landowners (for example the Racecourse) would be necessary to determine whether land could be attained to provide a footpath on the western side of Plumpton Lane and we would have expected the landowner/agent to demonstrate a viable scheme could be delivered given the necessary infrastructure/land purchase necessary for a development to conform with the policy as written. Furthermore, Core Policy 13 requires that new development promotes and encourages sustainable forms of transport and without a safe pedestrian access that satisfies the requirements of, and ultimately agreed by, East Sussex County Council (the highway authority for the area) we believe that this policy would conflict with Core Policy 13.</p> <p><u>Landscape</u></p> <p>It is acknowledged that the policy makes provision for ensuring that development is kept to the north west corner of the site and that existing screening is preserved which will undoubtedly help to keep any development as close to the village core and integrate with the wider landscape as much as possible. However, fundamentally, LDC remains of the belief that the site is not suitable for residential development due to the landscape sensitivity of the area, its proximity to the South Downs National Park and being part of its setting, and its location south of the railway line in a location unrelated to the existing village core. This is despite the clear social benefits that this proposal offers in terms of the high level of affordable housing provision and the car parking provision and its associated benefits.</p> <p>Core Policy 10 of the Joint Core Strategy clearly sets out the importance of the South Downs National Park designation and reaffirms the priority given to the first purpose of the National Park in determining planning applications. This policy also clarifies that this not only relates to development within the designation itself, but also in the setting of the National Park by stating that new development will not be permitted in the setting of the SDNPA if it fails to conserve and appropriately enhance its rural, urban and historic landscape qualities...” Although only limited details are given in the PPNP, it is the District Council’s belief that the proposed allocation would not be in general conformity with Core Policy 10 of the JCS and so could ultimately result in the neighbourhood plan failing the basic conditions against which a neighbourhood plan is examined and, a test which Lewes District Council will need to be satisfied with before deciding on progressing the NP to a referendum. We are also aware that the SDNPA have also raised concerns with this site.</p>

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			<p><u>Deliverability</u></p> <p>Whilst not necessarily altering our fundamental opinion of the site as set out above, the high level of affordable housing provision is supported and does offer some kind of balancing effect to the concerns raised. However, inevitably this requirement would reduce the profitability of the scheme and could subsequently impact on development viability. When this is considered alongside the likely additional costs associated with providing a scheme of exceptionally high quality which would be necessary to offset the landscape impact (if indeed possible) and infrastructure costs associated with delivering a safe pedestrian access to the village, we do have concerns as to the deliverability of the site as required through National Planning Practice Guidance. We have not seen any evidence from the landowner/site proponent to suggest that a viable scheme could be delivered within the defined policy criteria.</p> <p><u>Additional comments</u></p> <p>It is suggested that the third bullet point is amended to the following to ensure that the policy does not conflict with permitted development rights - “the buildings are no more than two storeys in height, although this would not preclude the use of roof space”.</p> <p>It is suggested that the following is added to the end of the fourth bullet point – “in accordance with Policy 9”</p> <p>It is suggested that the 5th paragraph is amended to the following – “<u>approximately</u> 20 car parking spaces” to allow flexibility to respond to the landscape sensitivity of the site if necessary.</p> <p>The 6th bullet point states that the car park area is identified on the accompanying map, but this does not appear to be the case.</p> <p>Whilst planning policy cannot in itself direct a change in the speed limit, we would urge the parish council to have discussions with the highway authority (ESCC), if not already done, on implementing this change to the speed limit.</p>

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2.6	Yes	No	<p>The allocation of this site is supported and, given our comments raised above, we believe that this site should be allocated in full in place of Site 2.5.</p> <p>If the site remains as a reserve allocation, we feel that further detail on the circumstances upon which the delivery of this site is contingent would be helpful.</p> <p>As pointed out in the policy and accompanying wording, the southernmost portion of this site is located in an area of flood risk. The policy clarifies that no development can take place in the area most at risk (flood zone 3) which borders the southern boundary of the entire site put forward initially by the landowner/site proponent. However, the allocation map for this policy splits the larger site practically in two which doesn't appear to relate to the area which is at risk in flood zone 3. The policy clarifies that approximately 16 homes can be delivered on the site but given the constraints imposed by this split allocation map, it is not considered that 16 units could be appropriately accommodated at a density consistent with Core Policy 2 of the JCS. It is recommended that the map is amended to include the entire site as the policy wording would ensure that no development takes place in the area most at risk of flooding.</p> <p>It is suggested that the third bullet point is amended to the following to ensure that the policy does not conflict with permitted development rights - "the buildings are no more than two storeys in height, although this would not preclude the use of roof space".</p>
3	Yes	No	<p>This policy builds on national (Chapter 7 of the NPPF) and local (ST3 of the 2003 Local Plan and Core Policy 11 of the JCS) planning policy and its intention is supported. A few minor adjustments are recommended to strengthen the policy in order to ensure these intentions are realised.</p> <p>In order to reflect that alterations to existing buildings and small affordable exception sites may come forward within the SDNPA, the second sentence should be amended to: "In the areas within, and in the setting of, the South Downs National Park, proposals must avoid..."</p> <p>Presuming that the first bullet point is aimed at ensuring new development complements its surroundings (i.e. vernacular), it is recommended that the first bullet point is amended to read "the use of high quality building materials reflecting the local vernacular, finishes and..."</p>

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			<p>The intention of the second bullet point is supported given the well-known parking constraints in the village. This policy could be developed slightly to assist applicants when developing residential schemes and could also be more specific to reflect the impact of new development such as alterations to existing buildings. I would recommend considering Policy 8.3 of the Ringmer Neighbourhood Plan (http://www.lewes.gov.uk/Files/Plan_Ringmer_NP_Adopted.pdf) and also adding some additional supporting text below the policy to make clear the parking constraints that the village suffers from.</p> <p>Policy 3 – the intention of this criteria is supported, however you must be aware that trees and hedges can be removed without consent (where not protected by TPOs/other designations).</p>
4	Yes	No	<p>Whilst mainly repeating national and local planning policy, the supporting text makes it clear that this is an important issue for local residents and so this policy is supported.</p>
5	Yes	No	<p>The intention of this policy is clear and supported. However, you must be aware that a raft of change of use development can be carried out under Permitted Development legislation and so may not necessarily require a planning application. However, again, this is clearly an important issue to the local community and so this clear preference for retaining retail and commercial premises in the village is supported.</p> <p>For clarity – in the third paragraph, reference is made to Policy E8 of the 2003 Local Plan, however this policy has now been replaced by Core Policy 6 of the recently adopted JCS.</p>
6	Yes	No	<p>The intention of this policy is clear and supported. However, as worded, the policy would not allow the development of new buildings within the grounds of the College, which may be necessary to support the sustainable growth of the college in line with national and local planning policy. It is therefore recommended that the wording is amended to the following:</p> <p>“...buildings for Plumpton College. Proposals for any new buildings must be appropriately located and necessary for the sustainable growth of the college. Any of the development listed above, must be without detriment to the...”</p> <p>For clarity – The final paragraph of the supporting text refers to RES20 of the 2003 Local Plan. This</p>

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			policy has now been replaced by Core Policy 7 of the JCS.
7	Yes	No	<p>The intention of this policy is clear and supported. However, as worded, the policy would not allow the development of new buildings within the grounds of the Racecourse, which may be necessary to support the sustainable growth of the Racecourse in line with national and local planning policy, and may conflict with policy 2.1 of the neighbourhood plan. It is therefore recommended that the wording is amended to the following:</p> <p>“...buildings for Plumpton Racecourse. Proposals for any new buildings must be appropriately located and necessary for the sustainable growth of the Racecourse. Any of the development listed above, must be without detriment to the...”</p> <p>For clarity – the final paragraph makes reference to RES6 of the Local Plan. This policy is not consistent with the NPPF and so is no longer used for decision making purposes, and has been replaced by the JCS.</p>
8	Yes	No	<p>The intention of this policy is supported and in many respects aligns and builds upon national and local policy (Core Policy 7) by identifying the parish’s valued community assets. Having said that, you must be aware that many forms of change of use development can be carried out under Permitted Development legislation without the need for a planning application. However, again, this is clearly an important issue to the local community and so this clear preference for retaining the parish’s community facilities is supported.</p> <p>Further to this, as mentioned in the supporting text, parish councils can nominate their most valued community assets for registration on an Assets of Community Value register which would remove PD rights for certain changes of use. Any planning applications would then be considered against this policy.</p> <p>It is unclear whether the paragraph in bold (beginning “Proposals that will result”) is intended to be part of the policy. If so, I would recommend inserting into the red policy box to ensure clarity for planning officers. Also, it is recommended that the wording in the first sentence is amended to “in respect of that community benefit no longer being viable, relevant or necessary” which would ensure</p>

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			<p>consistency with Core Policy 7 of the JCS.</p> <p>For clarity – the final paragraph of supporting text refers to RE10 of the Local Plan – this policy has been replaced by Core Policy 7 of the JCS now adopted. It also makes reference to RES6 of the Local Plan. This policy is not consistent with the NPPF and so is no longer used for decision making purposes, and has been replaced by the JCS. Finally, we are not aware of a policy called “CP15 Rural Strategy of the 2003 LDLP”. The above will need removing or checking.</p>
9	Yes	No	<p>National planning policy permits the designation of Local Green Spaces subject to the criteria set out in paragraph 77 of the NPPF.</p> <p>Some of the LGSs (LGS1, 7 and 8) are adjacent to residential sites allocated through the neighbourhood plan, with the intention of demarcating the developed area and providing green corridors for the benefit of wildlife. Whilst I understand this intention, I feel that further justification is required in some cases to justify how these sites specifically meet the criteria in the NPPF. It is also worth reiterating that Planning Practice Guidance states the need to avoid ‘extensive’ LGSs being used as a back door way of achieving what would amount to a new area of green belt and so I would also recommend justifying why this is not the case with regard to your LGS allocations.</p> <p>To assist decision makers, it is recommended that the associated map referred to in the policy and supporting text is given a title and reference number (both in the policy and in the appendix).</p> <p>For clarity – policy RE2 of the 2003 Local Plan has been replaced by Core Policy 7 of the JCS.</p>
10	Yes	No	<p>The intention of this policy aligns with national and local policy and is thus supported.</p> <p>However, some elements of criteria 1 and 3 may not be enforceable as landowners can remove trees and hedges without the need for a planning application where they are not otherwise protected through TPOs etc.</p>
11	Yes	No	<p>Flood risk is a very relevant issue in the parish and such a detailed and thorough policy is supported, however we feel that the policy needs some amendments to ensure that it realises the parish’s aspirations in an appropriate and deliverable manner.</p> <p>The third sentence of the opening paragraph is a little unclear and requires further detail to assist</p>

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			<p>decision makers in implementing this policy.</p> <p>The list of sustainable drainage features is extremely useful and will undoubtedly help to alleviate this flood risk, however some of these features may not appropriate and, as worded, the policy appears overly onerous. Firstly, the final sentence of the first paragraph appears to suggest that all new development should include the list of sustainable drainage features. Clearly this is not appropriate to all cases, for example a minor alteration to an existing property. Also, some of the drainage methods listed in the policy may not be appropriate to certain ground conditions, particularly the SuDS that involve infiltration systems, and so it is suggested that this sentence is re-worded to “Where feasible, development proposals will include:”</p> <p>We would also strongly suggest that the parish council actively seek comments from ESCC as Lead Local Flood Authority and ensure that the policy is consistent with the emerging Local Flood Risk Management Strategy. They will also be able to assist in refining the policy to ensure that appropriate and feasible sustainable drainage features are required as per the comments in the above paragraph.</p> <p>We would also recommend that the criteria “appropriate use of existing ditches, streams and rivers.” is deleted as this may not be something that falls under planning legislation but is likely to be under the control of and a matter for the Environment Agency or Local Flood Authority.</p>