

NEWHAVEN TOWN COUNCIL



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To: Planning and Development Committee

Agenda Item 6

Date: 14th January 2020

Contact for this report: Head of Strategic Development

Subject: To consider a report on Lewes District Council Local Plan Part 2: Site Allocations and Development Management Policies – Schedule of Main Modifications (report attached).

1. The purpose of this report is to advise members that Lewes District Council (LDC) have received the Inspector's Final Report on the Local Plan Part 2 (LPP2) examination and that he has found the Plan sound, subject to the inclusion of a number of main modifications as set out in the appendix to his report (see Appendix 1).
2. Members may recall that the Town Council made written representations to the Plan at the public consultation stage in 2018 and reiterated these comments July 2019, following early recommendations by the examiner.
3. The Town Council also made representations at the Examination in Public, along with other local organisations and individuals particularly in respect of Policy E1: Land at East Quay, regarding impacts on the natural environments of Tide Mills, Ouse Estuary and the South Downs National Park (SDNP).
4. In respect of the policies that have an impact in Newhaven, the inspector has made the following modifications:

Policy	Modifications Precis and Commentary (in italics)
NH01 Land South of Valley Road Land south of Valley Road (0.72ha), is allocated for residential development providing approximately 24 net additional dwellings subject to compliance with all appropriate development plan policies:	The examiner has introduced measures that will reduce surface water and potential flooding impacts of development in the valley area. <i>This is intended so not to exacerbate the existing surface water issue in the valley area.</i>
NH02: Land at The Marina (4.5ha), is allocated for residential development providing approximately 300 net	The examiner is ensuring remediation measures are sought to combat contamination impacts, waste and sewage

<p>additional dwellings subject to compliance with all appropriate development plan policies</p>	<p>impacts of additional moorings and a net gain to biodiversity. <i>The Newhaven Neighbourhood Plan also seeks an enhancement to biodiversity on development sites.</i></p>
<p>E1: Land at East Quay Land at East Quay, is allocated for employment uses</p>	<p>The examiner has required:</p> <ul style="list-style-type: none"> • A net gain in biodiversity • Proposals to provide an ecological assessment, visual and landscape assessment and an appropriate assessment of archaeological potential • The provision of a landscaped buffer to the east of the site to create a buffer zone to protect the nature reserve east of the port expansion • Appropriate mitigation (such as habitat creation and controls on dog walking) • Working in partnership with the Town Council (as prospective owner) of Ouse Estuary Nature Reserve • Compliance with LDC Local Plan Part 1 • Protection of WW1 Seaplane base, Newhaven Fort Scheduled Monument • Protection of the proposed England Coast Path <p>He has removed the potential for the site to be used for non-port activity usage so employment use must be associated with Newhaven Port.</p> <p><i>It had been hoped that the inspector would remove land to the east of the new port access road within the parameters of E1 from the policy, to reduce the impact of development on Tidemills and the SDNP. Unfortunately, this petition has not been successful although the examiner has strengthened landscape and biodiversity imperatives. In addition, the use of the land must be in connection with the operation of the port, so this element of the policy will give protection against the use of the land for non-port activity such as invasive industrial processes.</i></p>

5. Subject to carrying out the examiner's modifications, Local Plan Part 2 can progress to adoption following the approval of LDC's Full Council approval.

6. Recommendation:

7. That Full Council note the contents of this report.

APPENDIX I

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

Schedule of Main Modifications

The modifications expressed below are expressed either in the conventional form of ~~strike through~~ for deletions and underlining for additions of text, or by specifying the modifications in words in *italics*.

The page numbers and paragraph numbering below refer to the submission Local Plan, and do not take account of the deletion or addition of text.

MM No	CD12/80 Ref	Submitted Local Plan Reference	Proposed Change
MM1	M03	Paragraph 1.19, page 11	<i>Habitats Regulation Assessment</i> <i>Amend paragraph 1.19 after: "The Habitat Regulations Assessment" as follows:</i> published alongside this document constitutes a number of individual reports and addendums that demonstrate that there will be no Likely Significant Effect on any of the protected areas as a result of implementing the Local Plan Part 1 or Part 2 only <u>recreational impacts on the Ashdown Forest SPA/SAC from residential development within 7km will require Appropriate Assessment. For all other impact pathways, a conclusion of No Likely Significant Effects on European Sites is reached.</u>
MM2	M04	Following paragraph 1.19	<i>Habitats Regulation Assessment</i> <i>New paragraph in supporting text to read:</i> <u>Mitigation measures contained within the Local Plan Part 1 Core Policy 10 (3i) can be applied at the Appropriate Assessment stage and, as such, in accordance with the Habitats Regulations Assessment it is therefore possible to conclude that there will be no adverse effect on the integrity of any European sites due to growth in Local Plan Part 1 or 2, either alone or in combination with other plans and projects.</u>
MM3	M05	Policy NH01, page 20	<i>Policy NH01: Land South of Valley Road</i> <i>Amend policy NH01 by adding an additional criterion to read:</i> <u>(c) Appropriate surface water drainage mitigation is agreed with relevant body and local planning authority and implemented accordingly;</u>
MM4	M07	Supporting text to policy NH01, page 21	<i>Policy NH01: Land South of Valley Road</i> <i>Following paragraph 2.28, add new paragraph to read:</i> <u>The site lies within Flood Zone 1 (at least risk of flooding). However, a risk of surface water flooding has been identified associated with a major overland flow</u>

			<p>route, along the site's northern boundary. Therefore, to ensure that flood risk is not created, or exacerbated, on or off-site by the development, consideration should be given to the design and layout of the site. A specific flood risk assessment may also be required, and mitigation implemented accordingly.</p>
MM5	M10	Policy NH02, page 22	<p>Policy NH02: Land at The Marina Amend criterion (e) of policy NH02 to read: e) Development is subject to investigation into potential contamination and appropriate <u>mitigation remediation</u> measures agreed with the relevant authority;</p>
MM6	M37	Following paragraph 2.38, page 24	<p>Policy NH02: Land at The Marina New paragraph in supporting text to read: <u>Development will be required to submit a desk study, conceptual model, site investigation, risk assessment and Remedial Method Statement for contaminated land in line with best practice approaches and carried out by or under the direction of a suitably qualified competent person and in accordance with most recent guidance.</u></p>
MM7	M38	Following paragraph 2.38, page 24 and MM5	<p>Policy NH02: Land at The Marina New paragraph in supporting text to read: <u>Where additional moorings are provided, consideration must be given to the management of additional waste and sewage arising. Appropriate services, such as toilets and pump-out facilities, should be provided where appropriate to reduce the risk to water quality from recreational boating. The size of the pump-out facility should be appropriate to that of the development and agreed by the local planning authority prior to construction.</u></p>
MM8	M11 and M36	Policy NH02, page 22	<p>Policy NH02: Land at The Marina Add new text in criterion (g), after "biodiversity": <u>There should be no net loss, and seek to provide a net gain to biodiversity, in particular to Habitats of Principal Importance (formerly known as BAP habitats). Where impacts on biodiversity cannot be avoided or mitigated, like-for-like compensatory habitat at or close to the development site will be required.</u> Development allows for the protection of biodiversity and enhancement where possible.</p>
MM9	M34	Policy NH02, page 22	<p>Policy NH02: Land at the Marina Add new text at the end of criterion (b) to read: <u>Where there is a net increase in the number of berths, appropriate toilet and pump-out facilities must be provided to manage waste and sewage arising.</u></p>
MM10	M13	Policy BH01, page 26	<p>Policy BH01: Land at The Nuggets, Valebridge Road Amend policy BH01 by inserting additional criterion, to read:</p>

			around within the site.
MM17	M40	Policy GT01, page 53	<p>Policy GT01: Land South of The Plough Add new criterion (h) to read: <u>The development will provide connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water; if non-mains drainage, an environmental permit will be required.</u></p>
MM18	M23	Following paragraph 3.17, page 59	<p>Policy E1: Land at East Quay, Newhaven Port Note: Further modification to Modification 23 in CD 012: Following paragraph 3.17, insert additional paragraphs to read:</p> <p><u>The majority of the site is located within the Tide Mills Local Wildlife Site, a non-statutory designation made in 1993 in recognition of the value of the coastal and floodplain grazing marsh and coastal vegetated shingle. These habitats are now included on the Government's list of habitats of principal importance for biodiversity conservation in England. Any development must therefore ensure that any loss or damage to the nature conservation interest of the site can be mitigated to achieve a net gain in biodiversity, in accordance with Policy DM24 (Protection of Biodiversity and Geodiversity). Appropriate mitigation should be identified by the applicant, along with the means for its delivery and maintenance.</u></p> <p><u>Appropriate mitigation should be identified by the applicant, along with the means for its delivery and maintenance. It is anticipated that such mitigation may include bringing the wider area of the Tide Mills Local Wildlife Site into positive management, including habitat creation (e.g. the creation of wet scrapes for birds) and controls on dog walking in order to avoid the more ecologically sensitive areas. This will involve working in partnership with all relevant organisations, including the Ouse Estuary Project.</u></p> <p><u>Due to the open nature of the coastline in this location, development is also likely to have an impact upon the setting of the South Downs National Park. Development proposals should therefore have due regard to Core Policy 10 (Natural Environment and Landscape Character) of the Local Plan Part 1, which seeks to conserve and enhance the landscape quality and scenic beauty of the Park, and be informed by the South Downs Integrated Landscape Character Assessment accordingly.</u></p> <p><u>Development of the site also has the potential to affect the setting of the Newhaven Fort Scheduled Monument and the Tidemills Archaeological Notification Area. The remains of the WW1 seaplane base also needs to be protected. Development proposals should therefore be</u></p>

			<p><u>accompanied by a heritage impact assessment and an appropriate archaeological assessment and evaluation of the site's archaeological and historic interest, in accordance with Policy DM33 (<i>Heritage Assets</i>) and Core Policy 11 (<i>Built and Historic Environment and High Quality Design</i>) of the Local Plan Part 1.</u></p> <p><u>A public footpath, which forms part of the proposed England Coast Path, runs through the site and any development proposals will be required to mitigate any harmful impact on the convenience, safety and amenity of this right of way, in accordance with Policy DM35 (<i>Footpath, Cycle and Bridleway Network</i>).</u></p>
MM19	-	Following paragraph 3.17, page 59	<p><u>Policy E1: Land at East Quay, Newhaven Port</u> <i>New paragraph in supporting text to read:</i> <u>The exclusion of the area of the port from the submitted proposed port expansion, i.e. covering the vegetated shingle habitat to the south of the bunded footpath, would ensure the protection of the Seaplane base, which is an important although undesignated, heritage asset.</u></p>
MM20	M24	Policy E1, page 59	<p><u>Policy E1: Land at East Quay, Newhaven Port</u> <i>Amend policy E1 to read:</i></p> <p>Policy E1: Land at East Quay, Newhaven Port</p> <p>Land at East Quay, as defined on the Policies Map (i.e. excluding the area of vegetated shingle habitat, situated to the south of the bunded footpath, which was included in the submitted Policy E1), is allocated for employment uses associated with Newhaven Port. Employment development which is not associated with port-related activity will be permitted only where it can be demonstrated that such development would not undermine the operational use of the Port. All development proposals should ensure that the visual impact on the landscape and scenic beauty of the South Downs National Park is minimised. <u>Development will be permitted subject to compliance with all appropriate development policies and the following criteria:</u></p> <ul style="list-style-type: none"> (a) <u>An ecological impact assessment is undertaken, and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity;</u> (b) <u>A visual and landscape character assessment is undertaken to ensure that the visual impact on the landscape and scenic beauty of the South Downs National Park is minimised;</u> (c) <u>An appropriate assessment and evaluation of archaeological potential is undertaken,</u>

			<p>and any necessary mitigation measures implemented; and</p> <p>(d) <u>The provision of a landscaped buffer to the east of the site to create a buffer zone to protect the Nature Reserve immediately to the east of the proposed port expansion.</u></p>
MM21	M42	Paragraph 3.21, page 61	<p>Policy E2: Land Adjacent to American Express Community Stadium, Village Way, Falmer <i>Amend paragraph 3.21 to read:</i> The design and massing of any proposed development will also need to consider the visual impact on both the Grade II registered Stanmer Park and the Listed Buildings within the University of Sussex campus. Careful consideration should be given to the choice of materials which should be complementary to those of the stadium, yet distinct and subservient, and designed to fit comfortably within the site's downland context. <u>The design and materials used should reflect the setting of the South Downs National Park, specifically paying reference to the South Downs Integrated Landscape Character Assessment (SDILCA) prepared by the South Downs National Park Authority.</u></p>
MM22	M43	Paragraph 3.23, page 61	<p>Policy E2: Land Adjacent to American Express Community Stadium, Village Way, Falmer <i>Amend paragraph 3.23 to read:</i> Any development of land within the boundary of Brighton and Hove City Council will need to take account of the priorities set out in policy DA3 (Lewes Road Development Area) of the adopted Brighton & Hove City Plan Part 1. The main thrust of the City Council's strategy for the Lewes Road Development Area is to promote and enhance the role of the area for higher education, whilst securing improvements to the townscape, the public realm, green infrastructure, biodiversity and air quality. <u>In addition, sustainable transport infrastructure is required to ensure that the development does not have an adverse impact on the performance of the Falmer Interchange trunk road junction at the A27/B2123 Falmer junction.</u></p>
MM23	-	Policy E2, page 61	<p>Policy E2: Land Adjacent to American Express Community Stadium, Village Way, Falmer Land adjacent to the American Express Community Stadium, as identified on the Policies Map, is allocated for B1a (offices) and/or D1 (health/education) and/or other ancillary uses directly associated with the Stadium and/or Sussex and Brighton Universities.</p>
MM24	M28	Policy E2, page 62	<p>Policy E2: Land Adjacent to American Express Community Stadium, Village Way, Falmer <i>Amend criterion (d) of policy E2 to read:</i> (d) The provision of green infrastructure and wider</p>



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To: Planning and Development Committee

Agenda Item 7

Date: 14th January 2020

Contact for this report: Clerk to the Council

Subject: **Recent Planning Decisions by Lewes District Council and East Sussex County Council**

LEWES DISTRICT COUNCIL DECISIONS

PLANNING PERMISSION GRANTED

LW/19/0756

38 Lewes Road

Retrospective application for garage on existing driveway.

Considered by the Town Council on 26th November 2019.

The committee indicated that whilst they were unhappy at seeing a retrospective Planning Application, they were happy to support the same on this occasion.

NOTICE OF REFUSAL

LW/19/0590

12 Brighton Road

Installation of one bike shed in the front garden area.

Considered by the Town Council on 26th November

The committee objected to this application for the following reasons;

- This application should be retrospective. The structure already exists on site.
- It is not in keeping with, and is fact detrimental to the existing street-scene.
- This structure is not for the purposes of cycle storage.
- There exists sufficient space at the rear of the premises for such a provision

Lewes District council refused the above works due to:

It considered that the cycle store, due to its size, form and location appears incongruous withing the street scene and has a significant adverse impact on the wider visual amenity contrary to Policy ST3 of the Lewes Local Plan and CP11 (i) of the Joint Core Strategy.