

Wealden Local Plan – Draft Proposed Submission Document

Summary

In accordance with the Local Development Scheme the Wealden Local Plan Draft Proposed Submission Document has been prepared for consultation in May and June 2017. This report outlines the content and seeks agreement to proceed to consultation.

Portfolio Holder: Cllr Ann Newton, Planning and Development

Recommendation

The Portfolio Holder is recommending that the Wealden Local Plan Draft Proposed Submission Document (Appendix A) is approved for publication for representations and submission to the Secretary of State for examination, subject to any comments made and subject to any further necessary amendments.

Reason

To progress the Wealden Local Plan in accordance with the Local Development Scheme.

Introduction

1. Policy WCS1 of the adopted Core Strategy states that “The strategy shall be reviewed in 2015 or when a preferred solution to the capacity issues associated within Hailsham North and Hailsham South Wastewater Treatment Works has been identified, whichever is the earlier, in order to ensure that there is an adequate supply of development land in the longer term. The review shall include an assessment of current and future levels of need and demand for housing to provide an appropriate basis for longer term housing provision.”
2. The Wealden Local Plan incorporates the Core Strategy Review. The Local Development Framework Sub Committee agreed the scope of the Wealden Local Plan in the Local Development Scheme in July 2015. The scope includes:

It is anticipated that the Wealden Local Plan will cover all policy requirements for Wealden District excluding the part of the District within the South Downs National Park. This will mean that all policies within the Local Plan, when adopted, will supersede all adopted Core Strategy policies and all saved policies within the 1998 adopted Wealden Local Plan. Accordingly all strategic sites identified in the adopted Core Strategy and the now withdrawn Strategic Sites Local Plan will be reviewed as part of the process. In addition to this the Council is required in this document to identify the objectively assessed needs of the district, including housing need, and provide a strategy which seeks to meet this need where possible. The document shall contain all strategic

allocations including housing, employment, retail and other relevant allocations and local allocations which are not covered within Neighbourhood Development Plans. The Plan will also include all implementation policies to meet the new planning objectives and the spatial strategy.

3. Local Plan regulations require that, prior to publication of a proposed submission local plan, prescribed bodies or persons are notified of the subject of a local plan which the local planning authority propose to prepare, and each of them is invited to make representations to the local planning authority about what a local plan with that subject ought to contain. The Local Development Scheme identified that the Council would carry out consultation on an Issues, Options and Recommendations Document to fulfil this obligation.
4. The Council issued the Wealden Local Plan – Issues, Options and Recommendations document for consultation from 19 October to 14 December 2015. Some 2028 responses to 46 questions from 413 representors were received and are available on the Wealden web site and were reported to Members on 20 April 2016.
5. In the light of the consultation responses, testing of the preferred options set out in the Issues, Options and Recommendations document alongside testing of the reasonable alternative options, has proceeded leading to the Wealden Local Plan Proposed Submission Document.

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6. The Draft Proposed Submission Document is presented in three sections, and is provided at Appendix A. The first section relates to strategic growth policies including the Ashdown Forest, housing, the economy, Gypsies and Travellers and general settlement matters such as development boundaries and brownfield land. The second section covers the sustainable settlement strategy and identifies specific issues relating to settlements including housing distribution amongst settlements and town centre development. The third section deals with planning themes including the natural and historic environment as well as climate change.

Section One

7. Strategic policy is based upon the housing and economic strategy. A driving force is the need to meet the objectively assessed housing need (OAHN) within the Housing Market Area. The document identifies the anticipated objectively assessed housing need of the District between 2013 and 2028 of 950 dwellings per annum. Based on Government policy, consideration has been given as to whether the District can accommodate 950 dwellings per annum and additional housing from our neighbours within the Housing Market Area. The reason why we need to consider our neighbours is that some authorities are not able to meet their own need and it is a requirement that we deliver the shortfall if at all possible.
8. The Issues, Options and Recommendations document proposed a plan period through to 2037. The Draft Proposed Submission proposes a plan period through to 2028. This provides a 15 year plan period from the adoption of the Core Strategy (2013) and a 10 year plan period from the anticipated date of adoption of

the Wealden Local Plan (2018). The revised plan period is being proposed in the light of the Housing and Planning White paper proposal for regular 5 year reviews of plans and in response to the nitrogen deposition monitoring and modelling results outlined below.

9. The preferred option for testing in the Issues, Options and Recommendations document proposed housing provision distributed away from the Ashdown Forest and concentrated development in the most sustainable centres. There was a significant focus on South Wealden, however, development was identified to towns and villages to the north of the District where traffic can access Tunbridge Wells using an alternative route to the A26. The strategy included making a business case for an improved A27, or a reasonable alternative, to help reduce the base line traffic across Ashdown Forest and allow for growth in the Wealden Local Plan. This strategic approach still applies. However, as a result of the testing and evidence gathered, the proposed level of housing growth has been reduced.
10. One of the key factors impacting on the Draft Proposed Submission is the additional evidence gathered in relation to the impact upon the Ashdown Forest. Significant work has been undertaken to monitor nitrogen deposition and the impact on the ecology of the protected areas as an ongoing requirement following the Core Strategy and to model traffic flows, nitrogen deposition and ecological impact based on proposed development numbers and locations.
11. This has identified that the impact on the Ashdown Forest Special Area of Conservation (SAC) is significant in the immediate vicinity of the roads across the forest with high levels of nitrogen deposition recorded and consequent ecological damage. This is beyond the impact on the A26 as initially considered as part of the adopted Core Strategy.
12. Taking into account existing levels of traffic and development commitments that are in place there is already an unacceptable level of impact from nitrogen deposition in the areas close to the forest roads.
13. Modelling the impact of the development numbers of the preferred option in the Issues, Options and Recommendations document over the original plan period of 2013 to 2037 shows an even greater effect above the acceptable level in these areas.
14. Alongside this the Council has gathered evidence of levels of nitrogen deposition across the whole of the SAC which indicates high but acceptable levels. The Council is proposing to adopt an approach which is based on delivering development at a level which will be below that which would be deemed to be potentially damaging to the SAC overall.
15. The Council has explored a range of alternatives to the level of development proposed in order to protect the SAC including lower levels of development, alternative distributions for development and development conditions. In addition it has considered mitigation measures including traffic speed restrictions, introducing tolls, restricting categories of vehicles and options for tunnels. These investigations are continuing, however, for a variety of reasons the Council believes that these measures would not produce any significant improvements,

either because they are already in place or because they are not practical or economically viable.

16. The Council recognises that, having considered and either implemented these options or found them to be of very limited value, there is a need to address the damage already being done to the SAC. The proposal is that compensatory measures will be put in place to provide equivalent comparable habitat to that being lost. It is recognised that this requires a public interest test which the Council believes will be met through the benefits from the provision of the development over the plan period including the associated employment opportunities.
17. In order to allow development to proceed the proposal is therefore to compensate for the damage which is already occurring and alongside this to set a level of development across the district which will ensure that the overall integrity of the SAC is not damaged due to traffic movements and the consequent nitrogen deposition.
18. The nitrogen deposition modelling work to assess the level of development which will allow this proposal to proceed shows that a level of 11,456 dwellings will be acceptable.
19. This represents a reduction from the 19,500 dwellings proposed as the preferred option for testing in the Issues, Options and Recommendations Document. It also represents a reduction from the 24,000 dwellings which was also tested as a result of the land availability identified through the SHELAA process.
20. Both of these options were subject to testing and it was always recognised there were potential constraints which could impact of these numbers. This has proved to be the case as a result of the additional evidence now available on the Ashdown Forest.
21. By proposing that the Council proceed with a total of up to 11,456 dwellings over the plan period from 2013 to 2028 it is recognised that there are risks. These include:
 - Challenges in relation to the approach proposed for addressing the Ashdown Forest issues
 - Alternative approaches being recommended for addressing the Ashdown Forest issues
 - Planning Inspectorate and High Court decisions relating to other locations
 - A requirement by the Planning Inspector for the Council to increase dwelling numbers and therefore review the plan
 - Concerns from partner organisations and a failure to meet the Duty to Co operate
 - Central Government policy changes including proposals in the Housing and Planning White Paper.
22. The Council needs to recognise that, whilst everything possible will be done to manage and mitigate these risks, they can never be totally removed and whatever option the Council decides to proceed with there will be risks which will need to be addressed.

23. In terms of the economic strategy the recommended approach remains to: focus on South Wealden alongside enabling a more balanced housing and economic development approach across the district to enable less out commuting and more local employment opportunities; seek opportunities for retail and employment in the other sustainable settlements based on the function of the settlement; and promote the need to develop skills within the local workforce within the Local Plan, and positively encourage the employment of the local workforce in the Plan.
24. In addition to this, the Wealden Local Plan must also consider Gypsy and Traveller provision. The policy seeks to meet at least the pitch provision requirement (21 pitches) and consider any opportunities to exceed this.

Infrastructure

25. Policies have been proposed to make the release of land conditional upon there being sufficient capacity in the existing local infrastructure to meet the requirements generated by proposed development. Where development would create the need to provide additional infrastructure, a programme of delivery must be agreed with the relevant providers.
26. It should be noted that, due to the changes to the proposed level of development triggered by the fuller set of evidence on the impact on the Ashdown Forest, it has not been possible to obtain revised input and comments from key infrastructure providers such as East Sussex County Council. Further transport modelling, as part of the Wealden Local Plan Transport Study and education forecasting will be required and the results will need to be factored into the Plan. The Council will continue to work closely with all infrastructure providers to ensure appropriate provision.

Section 2

27. Development Boundaries have been reviewed for all sustainable settlements based on sustainability criteria and land availability and other additional housing accommodated will be treated as an allocation or identified as a SHEELA site or a small provision of windfalls.
28. Certain unsustainable settlements which are generally smaller in size with limited facilities and / or accessibility are allocated a Core Area. A settlement capacity is identified in these areas
29. This section also proposes town centres and policies concerning growth within these centres. This is relevant to Hailsham, Uckfield, Heathfield, Crowborough, Polegate, Wadhurst and Forest Row. Retail allocations in Hailsham and Heathfield are also dealt with in this section.

Section 3

30. Section 3 proposes a number of themed policies including landscape, development within the countryside, design, natural environment and climate change, affordable housing, housing and shopping policies. In addition to this there is a chapter regarding historic environment.

Changes from the Draft Proposed Submission Document of 3 March 2017

31. The Draft Proposed Submission Document at Appendix A has been updated from the Draft Proposed Submission Document dated 3rd March provided for consideration by the Local Plan Sub Committee and the Joint Planning Committee on 13th March. The updated version at Appendix A reflects the revised housing numbers and distribution resulting from the Ashdown Forest constraints. Key changes from the previous Draft Proposed Submission Document include:

Hailsham

Allocation Lower Horsebridge A removed

Allocation Hailsham North 1C removed

Allocation Hailsham East 2B removed

Sector Hailsham South 4 reduced

No windfall allowance

Development boundary same as 14,101 alternative

Polegate and Willingdon

Allocation Polegate and Willingdon 1 removed

Development boundary same as 14,101 alternative

Stone Cross, Ninfield and Berwick Station

Remains the same

East Hoathly

All allocations removed and changes to development boundary

Edge of Tunbridge Wells

All allocations removed

Wadhurst

Allocation at Foxhole Farm removed

Heathfield

Allocation at broad location south of Little London Road removed

Allocation at land south of Burwash Road removed

Horam

Sector south of Horebeech Lane removed

Allocation of land at Southside removed

In addition the 8,600 figure allocated to Polegate and Willingdon for employment is transferred to the A22 employment corridor. Overall the employment figure remains the same.

Recommendations and Conclusion

32. It is necessary for the Council to progress with the Wealden Local Plan, as required by adopted policy. The Wealden Local Plan Draft Proposed Submission Document (Appendix A) provides the proposed policies to progress the plan.

Local Plan Sub-Committee and Joint Planning Committee Comments

33. The Portfolio Holder asked both the Local Plan Sub-Committee and the Joint Planning Committee for comments on the Draft Proposed Submission Document. Both Committees met on the 13th March 2017 and noted the changes proposed to the plan following its original publication on 3rd March 2017. The Committees considered the Draft Plan, made comments, and supported the Portfolio Holder in recommending the document attached at Appendix A to Full Council for approval.

Corporate Management Team Advice

The Portfolio Holder is recommended:

To recommend to Full Council that the Wealden Local Plan Draft Proposed Submission Document (Appendix A) is approved for publication for representations and submission to the Secretary of State for examination, subject to any comments made and subject to any further necessary amendments.

Implications

Financial and Human Resource Implications

The Wealden Local Plan – Draft Proposed Submission Document has been prepared to budget, which will be subject to review following on from the consultation.

Legal Implications

The Policies within the Wealden Local Plan will supersede all existing policies. This meets the requirements of Policy WCS1 of the adopted Core strategy. The Wealden Local Plan seeks to meet the legal requirements of the Duty to Cooperate, the Conservation of Habitats and Species Regulations (2010) and the Environmental Assessment of Plans and Programme Regulations (2004).

Sustainability

Social, economic and environmental factors have been taken into account in the Wealden Local Plan Draft Proposed Submission.

Risk

The risks to proceeding with the approach proposed are outlined in the body of the report.

Consultation

The Wealden Local Plan – Draft Proposed Submission Document is published for consultation by the public and other organisations.

Other Implications	Applies?	Other Implications	Applies?
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For: Full Council

Date: 22 March 2017

Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	Yes
Environmental	Yes	Access to Information	No
Sustainability	Yes	Exempt from Publication	No
Risk Management	Yes		

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Attached papers:	Appendix A, Wealden Local Plan – Draft Proposed Submission Document
Background Papers:	