

13 December 2015

Planning Policy

Wealden District Council

By email: [ldf@wealden.gov.uk](mailto:ldf@wealden.gov.uk)

Dear Sir or Madam,

### **CPRE Sussex response to Wealden Local Plan - Issues, Options and Recommendations Consultation**

This letter is the formal response of the Campaign to Protect Rural England Sussex Branch (CPRE Sussex) to the Wealden District Council (WDC) public consultation on the first stage of preparation for a new Wealden Local Plan, entitled "Issues, Options and Recommendations" (hereafter referred to as the consultation draft.)

CPRE Sussex works to promote the beauty, tranquillity and diversity of the Sussex Countryside by encouraging the sustainable use of land and other natural resources in town and country. We encourage appropriate and sustainable land use, farming, woodland and biodiversity policies and practice to improve the well-being of rural communities. It is our position that local planning authorities should seek to ensure that the negative impacts of development on the countryside, both direct and indirect, are kept to a minimum and that development is sustainable in accordance with national planning policy.

#### **Response summary**

We have fundamental concerns with the plan strategy – i.e. the decision to use an unconstrained Objectively Assessed Housing Need (OAHN) as the sole basis for planned housing growth, despite policy constraints identified within the consultation draft and evidence base. We believe that plans to extend Heathfield, Wadhurst and Mayfield into the surrounding Area of Outstanding Natural Beauty (AONB) contravene the National Planning Policy Framework (NPPF) which provides 'the highest status of protection in relation to landscape and scenic beauty' (p115) to AONBs and National Parks. We believe that the plan to increase the larger low Weald villages by 50% and expand Hailsham by over 9,000 houses does not represent sustainable development as defined within the NPPF para 7.

We also have concerns with the transport strategy; particularly the heavy reliance on the provision of new road infrastructure which seems to be at its heart. The environmental implications of this strategy, particularly in respect to internationally and nationally designated sites are not fully established. More generally, the infrastructure requirements of the plan currently exceed available funding and this is a significant vulnerability. The plan's reliance on the development of large greenfield sites to fund new infrastructure is risky and creates a 'developer-led' approach to growth.

The Neighbourhood Planning process should be given greater support in Wealden to ensure that local communities can develop a shared vision for their neighbourhood and the delivery of sustainable development which truly meets local needs.

Further details to support these points are outlined below

### **Objectively Assessed Housing Need (OAHN)**

National policy requires that a Plan initially consider a “policy-off” or unconstrained OAHN, estimated by GVA Grimley to have a high-end of 735/year. This would project to a total of about 15,000 new dwellings over 20 years. However, the high-end OAHN is based on ONS projections that take into account not only natural increase (presumably low in Wealden, given its demographics, and actually negative over much of East Sussex) but also ONS-projected in-migration driven by complex factors including a projected spread across South-East England of a need to accommodate London-based workers. No account in such projections is taken of the capacity of the receiving District or of the capacity of the transport system to carry such workers to their employment in Greater London. In addition the current ONS projections do not appear to take adequately into account policy-driven changes, such as the likely increase in future retirement age consequent on pension policies or the recent reversal in the long-term trend of decreasing household size.

The economic projections within the OAN calculations look highly optimistic and unrealistic and the relationship between economic growth and housing numbers is subjective. The SHMA contends that Wealden will see around 600 new jobs created each year and then considers that to accommodate this new workforce, WDC will need to deliver 736 houses per year. The SHMA lacks credible evidence as to how GVA has arrived at this figure.<sup>1</sup> There is a discrepancy between the 736 houses/year put forward by GVA in the SHMA (para 7.51) and the consultation document (735 homes/annum para 8.5) which although small indicates a lack of accuracy apparent throughout the consultation document. DCLG guidance states that assessing development needs should be proportionate and does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could reasonably be expected to occur.<sup>2</sup>

The initial calculation of the “policy off” or unconstrained OAHN should be followed by an assessment, based on local evidence, of a “policy on” constrained OAHN which takes account of the capacity of the District and other local factors. In both Wealden’s immediate neighbours, Rother and Lewes Districts, it has been accepted that the unconstrained OAHN cannot be achieved without unacceptable landscape and environmental impact. Why has a completely different conclusion been reached in Wealden?

Wealden too has a high proportion of its land area where major development would be unacceptable in NPPF terms due to environmental impact on the SDNP or High Weald AONB or the wetlands of the Pevensey Levels. Wealden is also the District the most affected by the special issues of Ashdown Forest and the Pevensey Levels, with development options in two of its five major towns (Crowborough and

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<sup>1</sup> Paragraph 7.50 of SHMA by GVA. Notably, paragraph 7.51 refers to Table 65, which ‘shows that an average of the employment growth forecasted by Experian and East Sussex Econometric Forecasting Model (18.8%) demonstrates a need for around 736 dwellings per annum up to 2033.’ Unfortunately Table 65 does not demonstrate how this calculation is reached.

<sup>2</sup> “Housing and economic development needs assessments: The approach to assessing need”, para. 003 ref. ID: 2a-003-20140306, <http://planningguidance.communities.gov.uk/blog/guidance/housing-and-economic-development-needs-assessments/the-approach-to-assessing-need/>.

Uckfield) totally constrained by Ashdown Forest and that of a third (Hailsham) constrained for at least the next 7 years by impact of foul sewage on the Pevensey Levels. The remaining parts of the District, the Eastbourne fringes and the rural Low Weald, are highly unsuitable locations for new commuters with employment in Greater London – the necessary commuter routes lack both credibility and capacity and (in the case of the rural villages) sustainability.

It is frankly astonishing that in this context that the Plan should have concluded that Wealden District has the capacity not only to meet its own unconstrained OAHN but also to absorb additional housing need from Eastbourne (para 8.7 of the consultation document) One might have expected the opposite conclusion to be drawn. Eastbourne has yet to assess its own need, but there is no reason to think that it will be unable to meet it within the borough boundary. Eastbourne is far better connected than any part of Wealden except Polegate, and as a large urban area with good brownfield potential has many opportunities for high density re-development, similar to those that have been identified at Brighton and other coastal towns.

The argument presented leading up to the preferred housing target to be adopted is challenging to follow and the conclusion that the plan should run for 24 years, even further into the unpredictable future than normal, weakly evidenced.

### **Windfalls**

NPPF para 48 allows for the inclusion of windfall sites within housing targets and the 5-year housing land supply in Districts where there is a strong record of windfall delivery. Wealden has such a record. Contributions from windfalls are included in housing totals in other approved Sussex local plans. Why not here? Provision for the continuing delivery for a historically-justifiable numbers of windfalls would be uncontroversial. Such windfalls delivery of new homes is more likely to increase than decrease because of the increase in permitted development rights and such policies as permitting conversion of offices to residences. Inclusion in the total of a provision for unplanned windfalls would be deliverable, and can be allowed for in the 5-year housing land supply. This approach would enable the burden proposed in the present preferred option for unsustainable village developments and development in the AONB to be reduced.

### **Proposed Housing Distribution and Infrastructure**

The preference to focus development on South Wealden in general and on Hailsham in particular is understood. Development at Uckfield or Crowborough would inevitably impact heavily on the Ashdown Forest and on the A22 and A26 routes (though it would be wrong to believe that Hailsham development will have no impact on these routes, or on other rural roads to the north, east and west). Paragraph 8.16 of the consultation draft recognises that already ‘certain pollution levels on the Ashdown Forest exceed the limit of the forest to withstand harm’ and further transport modelling work is needed. Heathfield is entirely surrounded by the AONB (see below) while the Eastbourne fringe at Willingdon-Polegate-Stone Cross is already planned for maximum build-out in the 2013 Core Strategy. Any development at Westham must respect the Pevensey levels and the setting of Pevensey Castle.

However, there are serious challenges to this Hailsham-based approach. The belief that new employment on the scale necessary can be attracted to a location with such poor communications is based on hope rather than evidence or experience. While Hailsham housing may be cheaper than other areas of Sussex, it is still far more expensive than other parts of the country where internet-based businesses could flourish – house prices twice those of the east Midlands or South and Central Wales.

A dormitory settlement of this size at this location would be a disaster. The lack of a railway, or any plan for a railway, is critical. To which destinations are the new residents expected to commute? Any new employment opportunities to the east or south (e.g. Hastings or Eastbourne) will be met via new housing or existing residents in those areas. Road travel to the east is dire, while Eastbourne is already itself a dormitory community, with morning peak traffic heading north and west and the evening rush back home again. It has no capacity for net employment of new Hailsham residents.

From the infrastructure proposals on which this is said to be dependent CPRE concludes that the intention is that many of the new residents will be expected to commute via the A27 (as far as Brighton & Hove but no further) and then via the A23/M23 to Crawley and London. This would require not only the dualling of the Lewes-Polegate section of the A27 but also the creation of new split level junctions at the critical Lewes roundabouts. No budget for such infrastructure improvements has been identified, and as much of the route is within or on the edge of the SDNP it is unclear that this would prove acceptable on landscape grounds. However, critically, commuters arriving in any number at Brighton, Crawley and London must arrive by rail, as the additional destination car parking is not available or affordable, and long-distance road commuting is inherently unsustainable. Where would they park their cars to change to the railway, and would the railway be able to accommodate the additional capacity? For commuters travelling via the Hastings / London line there are problems - the station at Stonegate is only reached by inadequate, bendy and narrow roads subject to flooding and the journey time is slow. The line has been awaiting modernisation for years. Hailsham is simply not an appropriately located or sustainable dormitory for new workers required at these destinations.

A final problem created by a focus on Hailsham is its impact on the 5-year housing land supply. Hailsham would not be able to contribute to (at least) the first seven years of the Plan for foul sewage reasons, and it is highly improbable that a new, improved A27 could be available by this date. Where is the HLS to come from over the intervening period? The planned new Uckfield development is effectively a single large site and standard British Housebuilders' Association build-out rates, let alone market considerations, mean that its completion must be scheduled over more than a decade. Any faster assumptions would be challenged at appeal. Similarly new development on the fringes of Eastbourne at Polegate, Willingdon and Stone Cross must be scheduled in line with market deliverability and local building capacity. Front-loading the proposed delivery in the larger villages to try to cover the gap would have an even more devastating impact on the rural environment and village sense-of-feel. Villages can grow sustainably but large new estates being dumped on them is not the way to achieve this!

### **New countryside settlements**

While it is appropriate to test the potential contribution of new settlements in rural areas, CPRE concurs with the conclusion in paras 8.40 & 8.41 that this would not be an appropriate solution in Wealden District.

### **Proposed new rural housing**

The preferred options allocate very high levels of new housing to several villages – in several cases increasing the community size by 50% or more. This is not to support the rural economy and simply plans for a substantial increase in long distance commuting by the private car. This is extremely unsustainable, and thus contrary to NPPF paras 30, 34, 37, 38 & 95. To assess sustainability, the Council should have used available evidence about car ownership and use for the different communities. Failure to consider this evidence in the sustainability appraisal fatally compromises the proposals made. The

use of bus timetables as a proxy is completely inappropriate unless there were real-world evidence that this is the principal mode of travel that will be used. There is no such evidence.

The proposed housing targets for the two smaller categories of rural villages are not opposed by CPRE. Even the smallest rural communities will have their own affordable housing needs and there should be a positive policy for the provision of affordable housing in such communities on rural exception sites (strengthening section 23 of the consultation document.) Most such villages will also have the capacity to deliver such housing over the plan period by the conversion of redundant traditional farm buildings, or by the other routes encompassed in NPPF para 55.

### **Proposed new housing in the High Weald AONB**

The WDC consultation draft seriously underplays the national significance of the High Weald AONB, a designation that covers around 58% of the Plan area. Several of the communities for which high targets are proposed, most notably Heathfield (800 proposed), Wadhurst (285 proposed) and Mayfield (185 proposed) are almost entirely surrounded by the High Weald AONB. Planning the delivery of such high numbers of new homes on greenfield sites within the AONB is not justified by any of the criteria specified in NPPF paras 109, 113 & 115. Targets for the High Weald communities must be reduced to levels that can be accommodated without compromising the AONB landscape. This will necessarily require, in several cases, very large reductions. Allocations to villages that are on the fringes of the AONB should also take into account the impact of new development on the AONB landscape.

### **Vision**

It is usual to start a Local Plan with a Vision, and then follow with policies that are intended to deliver that Vision. This Local Plan starts with a list of Corporate Plan Objectives and then a set of “strategic preferred options”. The Vision [section 11.1] is reserved for page 75 and stated to have been “created from the strategic preferred options for testing”. This is not a rational approach. You start with the Vision and then design policies to deliver it, not the other way round. If the aim of the Local Plan is to deliver the Wealden Corporate plan objectives, say so. You could even call them the Vision. The second issue is whether this Vision is appropriate for the district – does it really celebrate what is special about Wealden as a district with outstanding natural beauty and a wealth of heritage?

### **Brownfield land**

The potential for the delivery of new housing on brownfield sites in the district is largely ignored, and no target is adopted. It is not recognised that brownfield land is a regularly renewed resource. If the Local Plan gave more responsibility to local people to identify sites through Neighbourhood Planning it is highly likely that more brownfield sites would be identified. The SHELA system on which WDC relies for site identification is inherently biased towards developer-promoted greenfield sites.

### **Sustainable design**

CPRE Sussex strongly encourages good design and would support a comprehensive design policy which sets out the need for development to respond to local character and history and use good architecture and landscaping to create visually attractive, safe and accessible development. Development should deliver and support a strong sense of place. The Council should also seek to promote exemplar and innovative design with locally sourced materials and high levels of energy and water efficiency – including in-situ and community renewable schemes.

## **Landscape Options**

CPRE Sussex would welcome specific policies relating to tranquillity and dark night skies, similar to those set out in the South Downs National Park draft Local Plan. Para 3.8 references the significance of such policies.

## **Neighbourhood Planning**

CPRE Sussex encourages WDC to take a far more positive approach to communities developing their own Neighbourhood Plans. The relationship between the Local Plan and Neighbourhood Plans is covered in paragraphs 1.14 to 1.16 of the consultation draft. The tone of this section does not appear as encouraging as it should towards the development of Neighbourhood Plans by communities within Wealden District. To be in conformity with the Localism Act (2012) and NPPF paragraph 69, the council should recognise explicitly that local communities will know and understand their towns and villages far better than a large district council can, and that delegation of responsibility, within a strategic overview, is likely to produce a far better, and better-accepted, outcome than the imposition of centralised decision making.

The dogmatic instruction in paragraph 1.15 that “All policies within a Neighbourhood Development Plan must conform ....” is in clear conflict with NPPF paragraph 184, which requires Neighbourhood Plans only to be “... in general conformity with the strategic policies of the Local Plan”. Note especially that it is the Local Plan in force at the time the NP is examined that it will be assessed against, though regard may also be had to policies in an emerging Local Plan.

The statement in paragraph 1.16 that the Wealden Local Plan will continue to plan in detail for areas in which NPs are being produced is in direct conflict with the instruction in NPPF paragraph 185 that “LPAs should avoid duplicating planning processes for non-strategic policies where an NP is in preparation”.

It would be far more positive, and would encourage faster progress, for the Local Plan to make a positive statement about Neighbourhood Planning and focus on a single strategic policy that allocated housing targets to individual communities. The location of housing within the community could then be left to an NP, with the District officers required to plan at the detailed level only for those communities that chose not to undertake an NP. Such an approach would greatly simplify the Local Plan and very likely also lead to improved outcomes.

## **Sustainability Appraisal**

Our major concern lies not with the methodologies of the Sustainability Appraisal itself, but with the way in which this document goes through the motions of highlighting the district’s numerous, and very real, environmental vulnerabilities, but then completely overrides them by saying on page 54 of Part A: “Lower housing figures would help achieve the environmental SA Objectives but would not meet the housing need. This is why they are not taken forward as part of the preferred spatial strategy for housing growth within the District.” This blatant disregard for environmental constraints is incompatible with the principles of sustainable development.

## Accuracy

Typographical errors are to be expected in a document of this length, but there are also a considerable number of grammatical errors. This does nothing to enhance the confidence of those reading it. In places it is difficult to understand the meaning. Consider, for example, para 3.13. In para 3.16 the word “exponentially” is used in a way that is factually incorrect. It is evident that the writer does not understand what the word actually means. Which document is the “This document” stated to have no weight for decision taking in para 7.2. Does it refer to the consultation document, in which case it is true? But it appears that it might refer to the Adopted Core Strategy, in which case the statement is not legally correct. Is the problem that the whole document is too long for it to have been proof-read by anyone?

## Conclusion

The housing figures under the SHMA, and applied to the consultation draft, are not balanced with sensible planning for infrastructure or consideration of environmental constraints.

According to the DCLG guidance, the assessment of development needs is an objective assessment of need based on facts and unbiased evidence – plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure, or environmental constraints. However, it goes on to say that these considerations **will** need to be addressed when bringing evidence bases together to identify specific policies within development plans. It is clear that WDC has not sufficiently addressed the district’s constraints and limitations to the final housing numbers and now needs to carry out a further ‘Policy on’ assessment to establish how much growth can actually be accommodated within the district.

Similarly, paragraph 8.7 of the consultation refers to the ‘duty to cooperate and consider the needs of the wider housing area’. Although WDC is required to consider the needs of authorities within this area, there is no requirement for it to take on additional housing numbers should there be material constraints, namely the multiple strategic constraints that apply in Wealden as summarised in paragraph 8.13 of the Draft Local Plan. Furthermore, the consultation draft recognises that neighbouring authorities are all at different stages of their plan making process and under-supply figures ‘will change in the future’.

Promoting such a high and possibly unachievable level of development runs the risk of WDC failing to maintain a five-year supply of deliverable sites in accordance with its eventual housing target. This is a requirement of paragraph 47 of the NPPF. In this regard we would highlight the experience of Dover District, where in its Core Strategy the district council set a high housing target in order to boost economic growth in much the same way as WDC is proposing (e.g. as explained in paragraph 1.14 of the consultation draft). Despite persuading the Examination Inspector that the target was deliverable, this has proved not to be the case and Dover District Council cannot now demonstrate a deliverable five-year housing land supply in accordance with the NPPF. Why would WDC take the risk of such an outcome?

The whole issue of deliverability and realism is underlined by the fact that the GVA study questions the reliability and validity of its own conclusions:

‘[These] economic-led scenarios come with a significant health warning. The forecasts themselves are subject a degree of uncertainty, particularly when used at the local authority level as has been done

here. In addition, the assumptions which have been used to understand the relationship between housing and jobs are also subject to uncertainty.’<sup>3</sup>

In the light of our comments above, CPRE Sussex objects most strongly to the housing targets forming the basis of the strategy of the Draft Local Plan. We seriously question the way they have been justified and assessed. In particular we consider that the environmental impacts, as illustrated by the large areas of greenfield land proposed for allocation, have not been consistently and fairly assessed in the development of future scenarios.

We actively support the need for our local villages and towns to remain economically vibrant and self-sustaining. We encourage the development of a strategic plan that will advance sustainable growth and development that is sensitively planned for its environment and is of good quality. In the case of Wealden, the plan must recognise the district’s largely rural character and meet local need within the environmental and infrastructure constraints of the district’s geography and economy. The consultation draft, as it currently stands, fails to meet this requirement

Yours faithfully,

**David Johnson**  
**Chairman**  
**CPRE Sussex**

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<sup>3</sup> SHMA by GVA, October 2015, para. 7.63, p. 172.