

Home Builders Federation

Matters 2

WEALDEN LOCAL PLAN EXAMINATION

Matter 2: Vision and Objectives and Local Plan Growth

Issue 1: Whether the Spatial Vision for Wealden is justified, effective, consistent with national policy and positively prepared?

33. Is the Plan period effective, justified and consistent with national policy?

No. The plan period is not consistent with national policy as it covers a period that is significantly less than the 15-year timeframe suggested by Government in paragraph 157 of the NPPF as being necessary to take account of longer-term requirements. If the plan is found sound the period being planned for by the local plan will be 8 years – significantly shorter than recommended in the NPPF and as such cannot be considered consistent with national policy. The reason for such a short period would appear, as set out in paragraph 5.11 of the Local Plan, to have been made on the basis that any development beyond the level reached by 2028 would exceed the critical load of Nitrogen on the Ashdown Forest. However, should the concerns regarding such exceedances raised by the Council be unfounded, as is being suggested by a range of stakeholders including Natural England, the justification for such a short plan period is removed. We would therefore suggest that the plan period is extended to ensure the long-term needs of Wealden are considered. As a minimum we would suggest that the plan be extended to 2035.

Issue 2: Does the significance attributed to air quality considerations present a positive framework which is consistent with national policy, justified and effective, and will contribute to the achievement of sustainable development within the District?

Is a simple reading of policy AF1, that all development, irrespective of whether it is included within the list of categories set out in footnote 14 of the LP, or where it is located within the Plan area, is reliant on the action of the LPA? Does this raise any risk to the delivery of development within the Plan? Would development be dependent on the delivery mechanism being created or implemented?

Should it be concluded that there is no harm arising to the Ashdown Forest SAC or other protected habitats then the significance of the air quality impacts arising from



development would be significantly reduced and mitigation proposed in policies AF1 and AF2 would not be required. However, if mitigation is considered to be necessary, we are concerned that it is reliant on mitigation measures that are still to be fully identified. No timescale is provided as to when the relevant delivery mechanism will be created allowing development to take place. Clarity must be provided in the Local Plan with regard to timescales and the delivery mechanism if this policy is to be considered effective.

Is Policy AF1 consistent with the presumption in favour of sustainable development and national policy? Is the policy justified by appropriate evidence to suggest that harm to Ashdown Forest Special Area of Conservation and Lewes Downs Special Area of Conservation will take place, in the absence of mitigation, as a result of the envisaged level of Local Plan Growth, and in combination with other plans and projects?

As set out above we do not consider the plan as submitted to adversely affect the integrity of the Ashdown Forest and other SACs as a result of new development. As such there is no justification for the inclusion of these policies within the local plan.

Is criterion a) of Policy AF1, clear what development will fall within its remit and how developers should satisfy its requirements? Is the policy internally consistent in how the Lewes Downs SAC and the Ashdown Forest SAC are treated? What evidence is there that the harm would ensue without mitigation, and that the mitigation measures set out within Policy AF2 would be effective and directly relate to the proposed development?

We do not consider this policy to provide the necessary clarity with regard to how an applicant should respond to policy AF1. At present the policy suggests development that will lead to a net increase in traffic but that is not identified in this plan will not be permitted regardless of whether there is mitigation.

What would be the impact on development viability of the proposed financial obligations set out in the Air Quality Mitigation – Interim Mitigation Strategy Tariff Guidance for Residential Dwellings and Business Development?

We welcome the update to the Viability Assessment undertaken by the Council to take account of the additional tariff. It would appear that this will not have an significant additional impact on viability. However, given that if these policies are required, they cannot be negotiated and as such it is essential the flexibility is retained across other policies in the local plan.

Are the two policies consistent with the CIL Regulations?

We recognise that the Government is intending on removing restrictions to the pooling of S106 contributions which would remove a key concern regarding the funding of infrastructure improvements through the proposed tariff. However, should these restrictions be retained it will be important for the Council to ensure that there is an effective funding mechanism to ensure the delivery of the necessary mitigation.

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