

HWPC REPRESENTATIONS ON DRAFT WEALDEN LOCAL PLAN

TOPIC 1 – High Weald Area of Outstanding Natural Beauty

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter:- 9 – Environmental Assets – Landscape, Pages 109/110

Paragraph Number:- 9.12 – 9.15

Policy Number:- EA5 - High Weald Area of Outstanding Natural Beauty

Figure/Table Number:- n/a

Q2(a) - Do you consider the Wealden Local Plan to be Legally Compliant?

Yes/No

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

Wealden District Council produced its Reg 18 - Issues, Options and Recommendations Plan in 2015. Public consultation on this document occurred through October 2015 to December 2015. The document was not specific about site allocations nor the potential scale of encroachment into the AONB.

Given the detail in the current Submission Plan compared to the previous Issues, Options and Recommendations Plan, and given the 32 month time lapse between the publication of the Reg 18 and Reg 19 Plans, the inadequate/lack of consultation in the intervening period with the Public, Parish and Town Councils and other agencies and authorities, we consider that the plan has not been properly prepared in accordance with Wealden District Council's Statement of Community Involvement (February 2012).

Q3 (a) - Do you consider the Wealden Local Plan to be Sound?

No

Q3(b) – If you answered No to Question 3a. do you consider the Wealden Local Plan to be unsound because it is not (please mark all you think apply)

- Justified
- Effective
- Consistent with National Policy

Justified.

There is inadequate justification and explanation within the Plan and supporting documents (Development in the High Weald AONB Background paper) for the development allocations in Heathfield within the AONB.

The selection of sites in relation to 'sensitivity' is subjective, and the exploration of alternative sites is considered weak. The Sustainability Appraisal of the SHEELA sites does not provide strong evidence to support or justify major allocations within the AONB around Heathfield.

The allocation at Ghyll Road was rejected in previous plans due in part of its location within the AONB, and was not within the recommended sector at the Issues, Options and recommendations plan of 2015, and the last public consultation stage in 2015/16.

Effective.

In respect of Policy EA5 (page 110) the policy states that

'such development should be small scale and should:-

- Be in keeping with the landscape and settlement pattern
- Support the economy and/or the social well-being of the AONB
- Seek to conserve and/or enhance local distinctiveness and tranquillity
- Seek to conserve wildlife and cultural heritage.

Whilst it is easy to see how housing might support the economy and well-being of the AONB – it seems to contradict the other objectives for development. Achieving these Policy objectives through housing development within the AONB is not deliverable. In relation to Heathfield it is considered that:-

Neither the development of the Burwash Road site (HEA1) nor the Ghyll Road site (HEA2) in accordance with Policy RUGA 1 and RUGA 2 respectively, will be in keeping with either the landscape or the settlement pattern of existing development adjoining the sites. Both the proposed sites will be built at a fairly high density in low density areas. The effect will be to destroy the local landscape and 'detract from the visual qualities' of the edge of Heathfield.

Building on the land at Ghyll road will compromise the views to the south from the Jubilee Park and from houses adjoining the site situated on Ghyll Road. In addition the proposed development along two of the boundaries of Jubilee Park will effectively detach it from the AONB, there being housing along the third boundary.

The policy also states that development should 'seek to conserve and/or enhance local distinctiveness'. Both areas are on the edge of Heathfield and have a distinctive 'feel' as they are currently not developed. They are valued locally. The land at Ghyll Road (HEA 2) provides a natural rural boundary with the surrounding countryside and it contributes to character of the designated Tilsmore Area. Building 103 units on land South West of Ghyll Road, and 30 units on land south of Burwash Road (HEA1), will significantly diminish the local distinctiveness of the urban/rural edges of Heathfield.

Local wildlife and wild life pathways will be destroyed through the development of these sites. The land at Ghyll Road provides a refuge for foxes, birds and butterflies, and has ancient hedges. These are used by nesting birds, some, for example, owls, and hawks are comparatively rare. In addition Jubilee Park, adjacent to the Ghyll Road site (HEA2) is host to a number of rare wild flowers and a badger's sett. The badgers hunt for food to the south and west of the sett on the land allocated for development. Develop the land and it is doubtful that Jubilee Park would provide sufficient food to sustain the badgers. Overall any development will destroy habitats and result in a net loss of wildlife and biodiversity value.

Consistent with National Policy.

Heathfield and Waldron Parish Council consider that the Submission Wealden Local plan Policy EA5 is not consistent with the National Planning Policy Framework (NPPF) dated July 2018 regarding allocations within Heathfield within the High Weald AONB.

The NPPF states at paragraph 172 that:-

'Great weight should be given to conserving and enhancing national and scenic beauty.....AONB.....have the highest status of protection in relation to these issues.' and that;

'Planning permission should only be refused for major development other than in exceptional circumstances.'

The two proposed Site Allocations in Heathfield lie within the AONB, namely RUGA 1 – Land South of Burwash Road (site HEA1 – 30 dwellings – Chapter 19, pages 253 - 256) and RUGA 2 – Land South West of Ghyll Road (Site HEA2 – 103 dwellings – Chapter 19, pages 257 - 261).

The background paper - Development in the High Weald AONB –at para 2.2 that a footnote to the NPPF Para 172, states that it is up to the individual Local Authority to decide what is a major development. No definition is given by Wealden as to what this may mean. This position is indefensible. A letter from Natural England has been passed to the Parish Council, in which they also express a strong view that development of the scale proposed in Heathfield within the AONB would represent major development.

As a Parish Council, we consider that the quantum of development allocated at both sites constitute major development within the AONB, particularly the allocation at RUGA 2 – Land South West of Ghyll Road. As such the allocations within Heathfield in the AONB outlined in Policy RUGA 1 and Policy RUGA 2 and Policy EA5 relating to the AONB, do not in our opinion comply with Paragraph 172 of the NPPF.

In addition, the Plan seeks to make changes to the development boundary around Little London Road and to the West of the Police Station in Heathfield, which would enable further (as yet unquantifiable) development within the AONB and cause considerable erosion of the AONB boundary.

The AONB designation extends across many of the small villages – Cross in Hand and ridgetop developments such as Punnetts Town and Broad Oak where figures are given in the plan for additional housing capacity (110 dwellings in total – see Policy RAS 1 – Page 411 - 413) and windfall development (90 dwellings in total – see Policy RAS 1 page 411 - 413). Additional development in these core areas will add to the quantum of development within the AONB, causing significant cumulative harm to the AONB within the Parish of Heathfield and Waldron.

TOPIC 2 (a) – INFRASTRUCTURE PROVISION

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter:- 7 Infrastructure

Paragraph Number:- n/a

Policy Number:- Policy INF1 – Effective Provision of Infrastructure (page 75)

Figure/Table Number:- n/a

Q2(a) - Do you consider the Wealden Local Plan to be Legally Compliant?

Yes/No

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

Wealden District Council produced its Reg 18 - Issues, Options and Recommendations Plan in 2015. Public consultation on this document occurred through October 2015 to December 2015. The document was not specific about site allocations nor the potential scale of infrastructure required to support growth in Heathfield, surrounding towns, villages and rural areas, where communities look to Heathfield as a service centre.

Given the detail in the current Submission Plan compared to the previous Issues, Options and Recommendations Plan, and given the 32 month time lapse between the publication of the Reg 18 and Reg 19 Plans, the inadequate/lack of consultation in the intervening period with the Public, Parish and Town Councils and other agencies and authorities, we consider that the plan has not been properly prepared in accordance with Wealden District Council's Statement of Community Involvement (February 2012).

This is particularly important in enabling further opportunities to assess infrastructure particularly traffic impacts and improvements, education, health and recreational provision in relation to the location and quantum of development proposed through

the Policies of the Plan in Heathfield, local villages and the wider rural area the town serves.

Q3 (a) - Do you consider the Wealden Local Plan to be Sound?

No

Q3(b) – If you answered No to Question 3a. do you consider the Wealden Local Plan to be unsound because it is not (please mark all you think apply)

- Positively prepared
- Effective

Positively prepared

The Parish Council appreciates that infrastructure is provided by a range of infrastructure providers to support the requirements of the local community. The provision of an Infrastructure Delivery Plan to support the plan is acknowledged, but in the view of the Parish Council, does not ensure that appropriate infrastructure provision can/will be made. The preparation of the plan may be a positive element, but delivery of essential infrastructure to support the community and growth at the appropriate time is still uncertain. There are currently issues with traffic, Secondary Education provision, the provision of doctors and dentists in the local Heathfield area, which as stated many times in the plan, is a service centre to a wider catchment of smaller towns and villages.

The impact on existing roads and services, recreational areas etc., needs to include therefore not only the allocations in Heathfield but also Core Area capacity figures and windfall estimates in smaller towns and villages using Heathfield as a service centre, as well. A considerable amount of growth is also proposed on the Heathfield and Waldron Parish boundary in Horam, which will also impact to some extent on the provision of services in Heathfield.

A finer grain of infrastructure assessment than may have been possible to date is required to assess improvements necessary to support growth in the Heathfield area. This should include a comprehensive assessment of the cumulative impact of proposed/allocated development within the wider area on roads, traffic capacity and flows and public transport provision, sewerage capacity (including Horam and adjacent villages), education, health and recreation improvements.

Effective

At present, when all funding streams are stretched, it is unclear how WDC will influence the priorities and funding streams of other organisations to ensure that infrastructure provision is improved and 'provided at the time they are needed' as stated in Policy INF 1.

Experience suggests that it will be extremely difficult to achieve improvements to and new infrastructure provision through Section 106 or 278 agreements, particularly if

this is not specifically referenced as part of a specific site allocation Policy or Policy affecting a local town/settlement.

Initiatives such as the Heathfield Swimming pool, which already has considerable funding towards implementation, planning approval and community support and where initial building works have commenced, should be considered further as part of the potential infrastructure provision for the area, having wider community benefits.

The Policy mentions the use of CIL in relation to infrastructure provision. Some CIL will come to the Parish Council though the 'meaningful proportion' to be spent on infrastructure provision in the local area. This CIL is welcome, but insufficient to cover some of the infrastructure issues of concern in the local area - such as accommodating additional school spaces, doctors and dentists, new recreational and amenity green space.

The majority of CIL collected by Wealden can and is likely to be spent in other areas where the requirements for larger infrastructure items (new schools, major road improvements etc.) will take priority for the use of CIL.

This means that in reality, the improvement of or provision of infrastructure in the Heathfield area will be relying heavily on Development Management negotiations at the planning application stage, on land viability and developers profit margins, with no guarantee of success or delivery of improved/new infrastructure.

Too much reliance is set in Policy INF1 on external factors and mechanisms to give confidence that there is adequate infrastructure, that this can be maintained or improved/provided where necessary.

The Parish Council therefore feel that Policy INF1 will not be effective as a policy in providing necessary and adequate infrastructure to support the existing and expanding community when required.

TOPIC 2 (b) – INFRASTRUCTURE DEVELOPMENT

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter:- 7 Infrastructure

Paragraph Number:- n/a

Policy Number:- Policy INF2 – Infrastructure Development (Page 76/77)

Figure/Table Number:- n/a

Q2(a) - Do you consider the Wealden Local Plan to be Legally Compliant?

Yes/No

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

Wealden District Council produced its Reg. 18 - Issues, Options and Recommendations Plan in 2015. Public consultation on this document occurred through December 2015 and January 2016. The document was not specific about site allocations or the potential scale of infrastructure to serve Heathfield, surrounding towns, villages and rural areas, where communities look to Heathfield as a service centre.

Given the detail in the current Submission Plan compared to the previous Issues, Options and Recommendations Plan, and given the 32 month time lapse between the publication of the Reg. 18 and Reg. 19 Plans, the inadequate/lack of consultation in the intervening period with the Public, Parish and Town Councils and other agencies and authorities, we consider that the plan has not been properly prepared in accordance with Wealden District Council's Statement of Community Involvement (February 2012).

This is particularly important in enabling further opportunities to assess infrastructure particularly traffic impacts and improvements, education, health and recreational provision in relation to the location and quantum of development proposed through the Policies of the Plan in Heathfield, local villages and the wider rural area the town serves.

Q3 (a) - Do you consider the Wealden Local Plan to be Sound?

No

Effective

Policy INF2 states that 'infrastructure will be allowed within development boundary'. This is subject to land availability within the development boundary and the ability of organisations to purchase land within the development boundary to provide the necessary infrastructure or improvements. This presents a risk to delivery of infrastructure improvements, especially if additional requirements are attached such as the AF1 – Air Quality and Wealden Local Plan Growth (page 46). This requires mitigation measures in relation to air quality management and mitigation in the Ashdown Forest.

This requirement affects all growth within the Plan and looks at the in-combination effects of development particularly traffic movements across the Ashdown Forest.

In relation to infrastructure within a service centre such as Heathfield which serves a wider population, it will be difficult to assess the Ashdown Forest mitigation required. This may make the implementation and delivery of additional infrastructure/services difficult to achieve. This places greater pressure on local services and communities.

Policy INF2 does allow certain infrastructure facilities (open space, recreation, Burial space etc.) outside of the development boundary, but this may not be possible if land is not available, is constrained by other environmental designations or

requirements for new infrastructure such as road access and road improvements. This is also a risk to provision of infrastructure through Sec 106 for example, as the developer may have to acquire additional land or provide a contribution towards acquiring additional land for green infrastructure etc. This places additional risk on the delivery of additional infrastructure.

There is an acknowledged need for improved infrastructure provision in Heathfield as a service area, to serve the community of Heathfield and surrounding villages. The cumulative impacts of development on transport infrastructure (ref Chapter 19, para 19.31) and the current deficit of open space, sports and recreation provision (Ref Chapter 19, para 19.32) are two areas of concern. However, the Infrastructure Delivery Plan (IDP) does not refer to any transport improvements (as the necessary studies have not yet been undertaken) and the Open Space etc. requirements in the Green Infrastructure Study, although included within the IDP, are not linked to any policy relating to Heathfield. In our opinion therefore, Policy INF2 is insufficient on its own to ensure the delivery of infrastructure in the Heathfield area.

There are two INF2 Indicators to assess how effectively the policy is working in relation to the % residents who can reach GP within 30 mins and the % of residents who can reach as secondary school within 30 mins by modes of transport. The assumption is that by car you can get to most places within Wealden and neighbouring authorities within 30 mins, but this may not be possible for those who are dependent upon public transport. Modes of transport includes private vehicles, public transport, cycling and by foot. If your only mode of transport is by foot or bicycle, the distance you can travel within 30 mins will be different to that covered by someone in a car.

However, access to GP's and Secondary schools is not just about physical distance but also capacity and the ability to gain a space at a school or see a doctor within a reasonable timescale – e.g. there is currently a 3 week waiting lists to see doctors. Improving this aspect of accessibility is critical to improving service provision. The indicators therefore are considered to be weak.

TOPIC 3 – INCOMPLETE PUBLIC CONSULTATION

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter:- 1 – Introduction

Paragraph Number:- 1.14 (page 13)

Policy Number:- n/a

Figure/Table Number:- n/a

Q2 (a) - Do you consider the Wealden Local Plan to be Legally Compliant?

Yes/No

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

Wealden District Council produced its Reg. 18 - Issues, Options and Recommendations Plan in 2015. Public consultation on this document occurred through October 2015 to December 2015. The document was not specific about site allocations or the potential scale of encroachment into the AONB, infrastructure requirements and provision, traffic impacts, and additional development through windfalls and through the extension of development boundaries.

Given the detail in the current Submission Plan compared to the previous Issues, Options and Recommendations Plan, and given the 32 month time lapse between the publication of the Reg. 18 and Reg. 19 Plans, the inadequate/lack of consultation in the intervening period with the Public, Parish and Town Councils and other agencies and authorities, we consider that the plan has not been properly prepared in accordance with Wealden District Council's Statement of Community Involvement (February 2012).

Q3 (a) - Do you consider the Wealden Local Plan to be Sound?

No

Q3(b) – If you answered No to Question 3a. do you consider the Wealden Local Plan to be unsound because it is not (please mark all you think apply)

Positively prepared.

Wealden District Councils Statement of Community Involvement in relation to the Wealden District Local Plan (May 2015) states at paragraph 1.3:-

'The preparation of planning policy documents directly impacts on local communities therefore those interested in and potentially affected by planning process outcomes should have an opportunity to be effectively involved....'

Town and Parish Councils have a very strong relationship with local communities and issues that affect them. In this respect Heathfield and Waldron Parish councillors consider that effective engagement with us (and also with other town and Parish Councils) should have been a critical part of the plan making process.

Technically consultation on the Plan is in accordance with Regulation 18 and Regulation 19 of the Town and Country (Local Planning) (England) regulations 2012.

However, we consider that the 32 month timescale between the production of the Issues, Options and Recommendations Plan (Regulation 18 submission) and the Submission Wealden Local Plan document (Regulation 19 submission), and lack of engagement with the Parish Council on key issues and site allocations in the intervening period, did not enable the Parish Council (and others) to have 'effective;

involvement/engagement in the plan making process in accordance with the Statement of community Involvement.

The Issues, Options and Recommendations looked generally at sectors of the town and the approach was fairly broad brush.

The Submission Local Plan contains considerably more detail, specific Policies, Site Allocations and boundary changes for example, which have not been discussed informally with the Parish Council prior to the Reg. 19 consultation process

There is a lot of emphasis, and rightly so on the Duty to Co-operate on cross boundary and strategic issues. There is no emphasis on engagement with Town and Parish Councils although we are considered to be a 'relevant authority' under Part 1, Section 2 of the Town and Country (Local Planning) (England) Regulations 2012.

WDC could have introduced a further public consultation stage between the Reg. 18 and Reg. 19 submissions at the draft submission stage in March 2017, but did not (please see Para 1.13 – page 13). This draft submission considered by Full Council formed the basis of the Wealden Local Plan. An additional round of public consultation at this stage would have provided greater opportunity for engagement by the Parish Council, local community and others, enabling further input on the detail in the plan, before the publication of the Submission Local Plan.

The recommendations in the Issues, Options and Recommendations Plan 2015, were not fully carried through to the plan. Options for development that were not recommended in the Issues, Options and Recommendations Plan were carried forward to the Submission Plan. The justification and implications of these changes have been hard to track through the submitted documentation within the 6 week consultation timescale.

The system allows for the approach taken by Wealden, but this does not make the process sound, especially if, as we consider, there has not been adequate and effective engagement with the Parish Council and others in the time between the Reg. 18 and Reg. 19 submissions, and so in our view, has not been positively prepared.

TOPIC 4 – INSUFFICIENT INFORMATION ON IMPACT OF DEVELOPMENT ON LOCAL TRAFFIC FLOWS

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter:- 7 infrastructure

Paragraph Number:- n/a

Policy Number:- Policy INF3 – Transport Infrastructure (Page 80/81)

Figure/Table Number:- n/a

Q2(a) - Do you consider the Wealden Local Plan to be Legally Compliant?

Yes/No

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

Wealden District Council produced its Reg 18 - Issues, Options and Recommendations Plan in 2015. Public consultation on this document occurred between December 2015 and January 2016. The document was not specific about site allocations or the potential scale traffic and transport impacts as a result of proposed allocations, windfalls and additional development that will be enabled through boundary changes.

Given the detail in the current Submission Plan compared to the previous Issues, Options and Recommendations Plan, and given the 32 month time lapse between the publication of the Reg 18 and Reg 19 Plans, the inadequate/lack of consultation in the intervening period with the Public, Parish and Town Councils and other agencies and authorities, we consider that the plan has not been properly prepared in accordance with Wealden District Council's Statement of Community Involvement (February 2012).

This is particularly important in enabling further opportunities to assess infrastructure particularly traffic impacts and transport improvements in relation to the location and quantum of development proposed through the Policies of the Plan in Heathfield, local villages and the wider rural area the town serves.

Q3(a) - Do you consider the Wealden Local Plan to be Sound?

No

Q3(b) – If you answered No to Question 3a. do you consider the Wealden Local Plan to be unsound because it is not (please mark all you think apply)

Positively prepared

Policy INF3 lists a series of strategic improvements to transport infrastructure in sub items a) to h), which will be delivered 'at the earliest opportunity' through working with local stakeholders and strategic providers and applicants on funding and delivery. Much of the strategic transport infrastructure associated with the Core Strategy 2013 however has not yet been implemented.

A number of studies on strategic transport improvements have been undertaken since 2013 in relation to the South Wealden Growth Area (SWAGA). These will need to be updated as proposals in this area have changed since the Issues, Options and Recommendations Plan 2015.

No similar studies have yet been undertaken in relation to the rest of the District outside of the SWGA to inform the requirements to support growth in the rest of the District. In a rural district such as Wealden improvements to the road infrastructure are important to safely accommodate growth and additional traffic movements from development during the construction and post construction stage.

Road improvements are also required to support sustainable modes of transport such as new/improved bus routes, cycle and walking routes to serve the local community.

Four 'further studies' are included in Policy INF3, which will be 'undertaken to assess the impact of the proposed growth on the wider highway network'. This includes the A267 corridor study which is most relevant to Heathfield and Waldron and surrounding villages.

The Parish Council consider that initial studies at least should have been undertaken to inform the plan, and identify any headline issues that may impact on growth. In addition we are concerned that no timescale is given for these studies but the likelihood is that these studies will not commence until after the plan is adopted.

As the plan is already being used by WDC to assess planning applications, any site coming forward before the plan is adopted, will not be contributing to any road improvements that may be recommended through these studies.

This means that the plan has not been prepared properly in relation to key transport infrastructure improvements that may be required as a consequence of growth proposals in the rest of the District outside the SWAGA. The lack of transport studies and recommended improvements impacts upon the effectiveness of Policy INF3 and the delivery of transport improvements.

Effective

The Parish Council does not consider that Policy INF3 can be effective, as the studies referred to above to inform the plan have not yet been undertaken.

Policy INF3 also refers to additional highway improvements to improve capacity to the local network on 8 routes – 5 of which are part of the road network around Heathfield. These include the A272, A267, A265, B2096 and the B2203 (we assume that this is the intended route which runs from Heathfield to Horam as the stated B2023 is within the town of Tunbridge Wells). All routes lead to or through Heathfield and surrounding villages, which Heathfield serves as a service centre. It is unclear however how the required improvements to increase highway capacity on these routes will be determined, funded, implemented and how this will be linked to growth in the local area.

It is unclear from the Policy the extent of corridor studies and whether these will include routes, (particularly those mentioned above) in the assessment of impacts

and recommendations. The Parish Council consider that it is essential that they are in order to assess the wider local transport impacts, and knock on effects of increased traffic generation elsewhere in the District and neighbouring districts.

The Parish Council however, is concerned that the required studies will not be undertaken in time to inform negotiations on planning applications, particularly for the two allocated sites within Heathfield, namely Land south of Burwash Road (Policy RUGA 1 – Site HEA1 (30 dwellings), pages 254 – 256) and Land South West of Ghyll Road (Policy RUGA 3 – Site HEA 2 (103 dwellings), pages 257 – 261) and the implementation of Policy RUGA 3 – Retail and Town Centre Use Allocations (additional 290 sq. m comparison floorspace in Heathfield Town Centre). Local traffic issues in roads adjacent to the two housing sites are already problematic. Allowing growth without any improvements will exacerbate existing local traffic problems (road congestion at key junctions and along the High street, car parking in the town etc.) in the local area. In this respect, the Policy cannot be considered effective in bringing forward these infrastructure improvements.

TOPIC 5 - HEATHFIELD DEVELOPMENT BOUNDARY IMPLIES GREATER DEVELOPMENT

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter:- 19 - Heathfield

Paragraph Number:- 19.15 – 19.22 (pages 248 – 250)

Policy Number:- n/a

Figure/Table Number:-Map 19 – Heathfield Development Boundary (page 250).

Q2(a) - Do you consider the Wealden Local Plan to be Legally Compliant?

Yes/No

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

Wealden District Council produced its Reg. 18 - Issues, Options and Recommendations Plan in 2015. Public consultation on this document occurred through October 2015 to December 2015. The document was not specific about proposed boundary changes in Heathfield or the potential impacts of these boundary changes on development numbers and encroachment into the AONB.

Given the detail in the current Submission Plan compared to the previous Issues, Options and Recommendations Plan, and given the 32 month time lapse between

the publication of the Reg. 18 and Reg. 19 Plans, the inadequate/lack of consultation in the intervening period with the Public, Parish and Town Councils and other agencies and authorities, we consider that the plan has not been properly prepared in accordance with Wealden District Council's Statement of Community Involvement (February 2012).

Q3(a) - Do you consider the Wealden Local Plan to be Sound?

No

Q3(b) – If you answered No to Question 3a. do you consider the Wealden Local Plan to be unsound because it is not (please mark all you think apply)

Justified

Neither the adopted Wealden Core Strategy – October 2013 nor the Issues, Options and Recommendation plan of 2015, referred in any detail to proposed boundary changes in Heathfield.

The tight development boundary around Heathfield takes account of the High Weald AONB designation in the main. This boundary has not changed since the previous Wealden Plan of 1998.

The proposed changes to the development boundary are described in relation to recent planning approvals and landscape sensitivity. However, looking at the Landscape and Ecological Assessment study – July 2017, the assessment of Sites contradicts some of the landscape sensitivity justifications that are provided in the plan in Chapter 19.

It would appear therefore that the changes to the development boundary are somewhat subjective and arbitrary and have not taken account of the findings of the landscape and ecological assessment. The proposed changes to the development boundary include land within the allocated sites which in the Landscape and Ecological Assessment study – July 2017, is classed as having 'low landscape capacity'. The definition of low landscape capacity in Table 1.4, Appendix A of the study is given as:-

‘ The Site is assessed as having high landscape sensitivity and high landscape value. Large or medium scale new development is likely to erode the positive key landscape features and characteristics of the Site which are desirable to safeguard in line with relevant national/local planning policy objectives.....’

The boundary changes therefore appear to contradict the finding of the Landscape and Ecology Assessment.

In addition, there does not appear to be any evidence as to how the 'exception test' has been used to justify the inclusion of land within the AONB within the development boundary.

The Parish Council does not consider that the Sustainability appraisals provide adequate justification regarding the boundary changes proposed.

Changes to the development boundary proposed along Little London Road (which is in Cross in Hand, not Heathfield), includes land some of which is outside of, adjacent to or partially within the AONB. There are no allocations associated with land within the proposed boundary changes in this location.

It is unclear however, if development here would be considered part of the capacity allowance for Cross in Hand (50 dwellings) or as part of the windfall development associated with Heathfield.

In any event, the potential quantum of development, density of development and local impacts are currently unknown, but could be considerable.

The Parish Council has not been involved in any discussions regarding development boundary changes within Heathfield, and does not consider that the boundary changes are wholly and adequately justified through the evidence base.

TOPIC 6 - INADEQUATE REASONS FOR WINDFALL DEVELOPMENTS IN VILLAGES

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter:- **6**

Paragraph Number:- **6.16**

Policy Number:- **WLP 5**

Figure/Table Number:-

**Q2(a) - Do you consider the Wealden Local Plan to be Legally Compliant?
Yes/No?**

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

**Q3(a) - Do you consider the Wealden Local Plan to be Sound?
No**

Q3(b) – If you answered No to Question 3a. do you consider the Wealden Local Plan to be unsound because it is not (please mark all you think apply)

- a) Positively prepared - No
- b) Justified - No
- c) Effective - No
- d) Consistent with National Policy - ?
- e) Other (please specify)

Q4 – Please set out what change(s) you consider necessary to make the Wealden Local Plan legally compliant or sound, having regard to your previous comments regarding legal compliance and soundness.

POSITIVELY PREPARED

- The Council makes reference to Windfall developments at **Para 6.16** and acknowledge that by their very nature they are unpredictable and haphazard. However the Local Plan also points allow for the potential for 225 windfall units in Heathfield and Waldron Parish.
- The total quanta of housing proposed for Heathfield Parish in this Plan is set out at 358 dwellings to be provided over the Plan Period, until 2028.
- However, it is clear that, of this total only 133 (or 37 percent), would be achieved through allocations, and all of these would be via the 2 allocations in Heathfield itself.
- The remainder, (63%), would be via ‘policy compliant’ dwellings elsewhere in the Parish, and adjacent to or within defined Core Areas in just 3 villages, but with specific quanta of 40 dwellings for the village of Punnetts Town and 50 for Broad Oak, as set out at **Policy RAS 1** of the Local Plan. (20 are also envisioned for Cross-in-Hand).

EFFECTIVE and JUSTIFIED:

- It is not considered that this Policy approach is Positively Prepared, Effective or Justified, for the following reasons:
- There are 2 aspects to such quanta that cause the Parish Council concern regarding the Submission Local Plan;
 - How such housing can be integrated into these villages, (with potential impact upon the village, housing position and layouts, landscape, AONB, etc.
 - How such a quanta can be designated for these villages, without precise boundaries to control them; (i.e.: quanta numbers are referred to for villages, but if they are not provided within or adjacent to the Core Areas, then it is not clear where they would be provided).

- Looking at the proposed Core areas, there are 50 proposed for Broad Oak and 40 for Punnetts Town. Policy RAS 1 of the Local Plan sets out how such housing is to be achieved in such villages, (if not policy compliant dwellings elsewhere in the countryside), i.e.: replacement dwellings, essential accommodation for rural workers, 'Grand Design' type houses, etc.

3. Policy WLP 5:

- The key policy in this Regard in the Local Plan is WLP5, which states that:
 - **'Within and adjacent to Core Areas, limited, small scale, scattered development may be acceptable subject to other policies contained within the development plan in Particular Policies WLP7, AF1, AF2 and RAS 1'.**
 - **Policy RAS 1 then goes on to clarify how in respect of Settlements identified with a settlement capacity between 21 and 40 dwellings may, Subject to Policy WLP 7 and AF1, accommodate small individual housing development of up to 5 dwellings/live work units, within and adjoining the Core Area'.**
 - This would apply to Punnetts Town in this context, and the Policy goes on to clarify that: **'Dwellings/units must be small scale with 1 or 2 bedrooms. Permission will be subject to certain design policies, policies that protect the environment and the prevention of coalescence of new development within and around Core Areas'.**
 - The Policy then goes on to confirm that: **'Settlements identified with a settlement capacity between 41 and 50 dwellings may, subject to Policy WLP 7 and AF1, accommodate small individual housing developments of up to 10 dwellings/live work units, within and adjoining the Core Area'.** Again, these dwellings/units must be small scale with 1 or 2 bedrooms. This would apply to Broad Oak. (Cross in Hand has no quanta of Windfall Housing but a capacity of 20 dwellings).

EFFECTIVE and JUSTIFIED

4. Considerations:

- It is not considered that the Policy approach is effective or justified for the reasons stated.
- It is also not positively prepared in that it does not provide for enough Affordable Housing; (See **Topic 7**).
- Looking at the Core Areas for the 2 villages, it is clear that there is very little scope to accommodate such dwellings in these areas. Both Punnetts Town and Broad Oak have been heavily developed over the years and intensively

infilled to the point where there is very little scope indeed for any development within the Core Areas.

- Therefore if any developments are to be implemented in this area, it is most likely to take the form of small individual 'pockets' of development abutting these Core Areas for no more than 10 units.
- Given that each village lies wholly in the High Weald AONB, and in a ridge top position in all respects, it is considered that such developments, no matter how well planned, it will inevitably adversely impact upon the AONB and the landscape and/or local residential, amenities, contrary to **Local Plan Policy EA5** regarding the AONB and particularly regarding residential amenities, as well as the relevant policies of the NPPF.
- It would also in all likelihood comprise Greenfield rather than Brownfield sites, or Garden Land.
- The same principle applies to both Broad Oak and Punnetts Town, both being ridge top settlements wholly within the High Weald AONB. Again, the Core Area for each village has been developed intensively to the point where there is little scope for any development within the Core Area.
- As fewer houses are proposed for Punnetts Town, then any 'clusters' would be small of up to 5 units, and incorporating very small dwellings only. Although the commitment to small units' housing is laudable, this is likely to be an impact upon local amenities in the AONB,
- For Cross-in-Hand, 20 dwellings are proposed but with no windfalls, but it is not clear where these will be, and there is no clarification in this regard.
- These small clusters and of small units appear unrealistic from the point of view of viable developments, not least given the requirement to provide electric vehicle charging points, contributions, (SAMMS), and many other provisions so as to comply with **Policies AF1 and AF2** of the Local Plan. All these requirements and provisions make such small unit clusters unrealistic and unviable.
- It is also contended that both Punnetts Town and Broad Oak have very limited services and facilities, (Neither have a pub, Punnetts Town has no church, and neither does it enjoy any shops); thus the new housing would place excessive pressure upon local amenities.
- If these large quanta of windfall dwellings cannot be provided within and around these villages, then this would appear to result in an improbable likelihood of the 'allocation' for dwellings of 90 houses between these 2 villages, then there is no way where the dwellings could be controlled so as to be provided in defined areas where Broad Oak and Punnetts Town and, effectively, and therefore such dwellings could result anywhere in the Parish.

- Such a large quota of windfall housing allows for very little control – apart from CIL – to allow for the provisions of any increased for infrastructure for the Paris, and especially in the villages, and no such provision is allowed for in the Plan.
- Therefore, it is contended that this Policy approach is inappropriate for all the reasons stated.

TOPIC 7 - GREATER EMPHASIS ON AFFORDABLE HOUSING AND COMMITMENT TO THIS

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter: - **36 (Housing)**.

Paragraph Number:- Associated **Paras 36.2 - 5**

Policy Number: - **HG2**

Figure/Table Number:-

Q2 (a) - Do you consider the Wealden Local Plan to be Legally Compliant?

Yes/No??

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

Q3(a) - Do you consider the Wealden Local Plan to be Sound? No

Q3(b) – If you answered No to Question 3a. do you consider the Wealden Local Plan to be unsound because it is not (please mark all you think apply)

- a) Positively prepared No
- b) Justified No
- c) Effective No
- d) Consistent with National Policy No
- e) Other (please specify) ?

Q4 – Please set out what change(s) you consider necessary to make the Wealden Local Plan legally compliant or sound, having regard to your previous comments regarding legal compliance and soundness.

NATIONAL POLICY

1. The National Planning Policy Framework:

- Emphasises the need to provide suitable affordable housing where it is identified as being required, and Paras 62 - 64, set out the criteria for the provision of such housing, as follows:

‘62. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

b) the agreed approach contributes to the objective of creating mixed and balanced communities.

63. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).’...

2. Policy HG2:

- Sets out the approach to Affordable Housing in the Local Plan. It confirms that such housing should incorporate a mix of tenures. It also accepts that in AONB’s, such housing will be subsumed into commuted payments to fund housing provision elsewhere. There is also a recognition of the likelihood that viability arguments may be come into play, with an increasingly reduced requirement for such housing, or variety of tenures, depending upon the strength of the case put forward by applicants, whose responsibility it is stated this would be.
- In the preamble to that Policy, at **Para 36.2** it confirms that affordable housing need in the District remains high, at **331 affordable housing units** per annum.
- The Paragraph then goes on to confirm:
 - **‘The need to deliver affordable housing is a particular issue within this area with high house prices and relatively low incomes, particularly within the population that lives and works within the District. This issue of need is spread across the District with need within both the rural and more urban areas’.**
- Looking at Heathfield, in terms of the context of all the above, it is considered that the provisions for Affordable Housing for the remainder of the Plan Period, (until 2028), are likely to be unacceptably low in this context:

3. Provision of Affordable Housing in Heathfield & Waldron Parish:

POSITIVELY PREPARED

- In terms of such provisions, it is considered that the only realistic way in which affordable housing could be ‘guaranteed’ to be achieved would be via the 2 allocations for Heathfield Town itself, as set out at Policies **RUGA 1** and **RUGA 2**, wherein a total of 133 dwellings are allocated, in which some **47 affordable dwellings** could be achieved, assuming a ratio of 35% of the quanta and assuming that viability would not degrade such provision.
- In terms of the ‘track record’ of such provision in the Town, (and indeed the Parish), most developments in Heathfield in the past 25 years or so have avoided affordable housing provisions, (or with a significantly degraded provision), notably with the exception of one site to the rear of the Police Station, (where 40% affordable housing is being achieved in a scheme of 115 units), and with the support of the Parish Council), (and more recently a scheme of 26 units at Cross-in-Hand). Evidence to this effect was presented to the public inquiry into the Council’s Core Strategy Local Plan. Developers and landowners have generally made successful viability arguments against the provision of such housing elsewhere.
- In this context, it is true that the allocated sites in the Parish in the current Local Plan would have been assessed against such sustainability and viability criteria, thus reducing the chance of a successful viability argument being made, but circumstances change over time. However, it is argued that this is the only realistic way in which affordable housing would be achieved in the Parish during the Plan period.

EFFECTIVE and JUSTIFIED

- Such a likelihood of the lack of such provision is in view of the following factors :
 - In terms of general ‘windfall’ housing, there would be little possibility of any affordable housing, except in the considerable unlikelihood of windfall housing developments coming forward in sufficient quantities to trigger affordable housing requirements; (i.e.: 11 dwellings or more in non-AONB locations – mostly likely along the Little London Road in Cross-in-Hand, (although regarded as part of Heathfield for the purposes of the Plan), or 6 units or more in AONB areas, which could only realistically be achievable in clusters adjacent to the Broad Oak and Punnetts Town Core Areas. (In such small clusters there would also be very little chance of a mix of tenures as the Policy requires).
 - Given the nature of these locations, however, there is a much greater chance of a viability argument being made against such developments, and in any event there is no guarantee that such small units, as are invariably required under the Core Area policies, would be required by Housing Associations or supported by Wealden Housing Department.

- However, key to this argument is that it should also be borne in mind that Policy HG2 requires commuted payments in lieu of such affordable housing adjacent to such Core Areas, which almost certainly would be provided elsewhere than the Parish.
- Therefore, the only realistic chance of any affordable housing being provided in the parish of Heathfield and Waldron in the Plan period would be via the 2 Housing allocations, subject to viability, and this should provide up to 47 such dwellings, which would go some considerable way to provide for the requirements for the Parish as stated at 56 units, as set out at **Para 19.28** of the Plan.
- However, the Plan lasts for a further 10 years, and therefore there will inevitably be a continued requirement for affordable housing in the Parish over the Plan period, especially with the increase in housing provisions envisaged, over this period, and clearly these provisions would be significantly short, especially with an increasingly elderly population; (elderly persons' accommodation is stated in the Plan as being capable of being included).
- In addition, this Affordable Housing provision should incorporate a mix of tenures. The presumption is that around 80% of the total number of affordable homes provided will be for rented accommodation with the remainder being for intermediate accommodation.
- The preamble at **Para 36.4** shows from the current Strategic Housing Market Area Assessment and previous housing Needs Study it is clear that the need is greatest in the Social Rented sector. These rents are typically 40% to 50% of market rents and are the most affordable to those people in need for affordable rented accommodation within the District. However, this tenure is the most difficult to provide for owing to lack of subsidy and viability issues.
- In view of these considerations, the likelihood of genuine 'social' housing being provided is considered very low, in terms of the 47 that the development would provide over the Period, which are more likely to be in the form of 80% market rental or intermediate occupancy.

4. Conclusions:

- In conclusion, it is considered that there is a very little chance that sufficient affordable housing, and especially social affordable housing, will be provided in the Parish in the Plan period.

TOPIC 8 - POLICY CHANGE DEALING WITH CONVERSIONS OF RURAL PROPERTIES

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter:- 30

Paragraph Number:-

Policy Number:- RAS 3 (RAS 2 also considered contextually).

Figure/Table Number:-

**Q2 (a) - Do you consider the Wealden Local Plan to be legally Compliant?
Yes/No?**

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

**Q3 (a) - Do you consider the Wealden Local Plan to be Sound?
No**

Q3 (b) – If you answered No to Question 3a. do you consider the Wealden Local Plan to be unsound because it is not (please mark all you think apply)

- a) Positively prepared - No
- b) Justified - No
- c) Effective - No
- d) Consistent with National Policy - No
- e) Other (please specify)

Q4 – Please set out what change(s) you consider necessary to make the Wealden Local Plan legally compliant or sound, having regard to your previous comments regarding legal compliance and soundness.

NATIONAL POLICY

1. Background, (including NPPF).:

- It is considered that this Policy regarding conversions, (or replacement) of rural buildings is not considered consistent with the provisions of Government advice and philosophy as set out in the National Planning Policy Framework, as recently updated.
- This would be in terms of support for rural enterprises, including agricultural, whilst ensuring the provision of a quanta of rural housing, and making the best use of redundant rural buildings.

- NPPF Policy allows for the conversion of appropriate conversion of all rural buildings without specifying the location, or setting prior conversion criteria, such as the evaluation of alternative uses in the first instance.
- In the light of this approach, Wealden District Council in recent years, (since 2015) adopted a Development Management Briefing Note, which allowed for conversion of policy compliant buildings in the countryside, both in the context of Class Q of the GPDO, especially as relating to conversion of agricultural buildings, and the advice as set out in the NPPF in 2012, and now carried forward into the 2018 version.
- This Policy approach on the DMBN, not only allowed for residential and other conversion of rural buildings outside protected areas such as AONB's, but also within the High Weald AONB, notwithstanding the provisions of Class Q, particularly given the potentials allowed for under the NPPF. This Policy Note was withdrawn in July 2018.
- This Policy allowed for appropriate replacement buildings, especially in the AONB, where a straightforward conversion of an otherwise policy/legally compliant rural building could have resulted in a poor standard of appearance in such a sensitive area.
- This policy approach could provide significant benefits to the appearance of the environment and protected landscape. This policy approach, which as been successfully provided in recent years, and has been supported on appeal, was considered justified both in terms of the provisions of the NPPF, in part the provisions of Class Q of the GPDO, but also Ministerial Statements.

NATIONAL POLICY

2. National Planning Policy Framework & Legislation:

- Looking at the NPPF: This allows for, at:

Para 79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply, inter alia:

c) The development would re-use redundant or disused buildings and enhance its immediate setting;

(Also of relevance, b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets);

- In this policy, there is no differentiation between conversions in protected areas such as the AONB, and the Low Weald, for example, in this Policy, albeit that the NPPF also seeks to ensure that AONB's are appropriately protected.

- It is contended that a Policy that allows for appropriate conversions (or even replacements), of rural buildings which allowed for residential uses, and enhancement, of the environment, and therefore:
 - ensuring/encouraging in many cases the continued viability of rural enterprises,
 - or protecting/safeguarding appropriate heritage buildings, especially agricultural, was not inconsistent with the aims of the NPPF, but very much in line with it.
- Unfortunately, the Submission Draft Wealden Local Plan does not allow for this approach in AONB's, wherein the Heathfield and Waldron Parish is primarily located, in its inflexibility, even though this approach has been supported on appeal, and there is considerable case law in this respect.
- However, appropriate conversions of rural buildings, to allow for business and tourism uses would be fully in accordance with the aims of NPPF at **Paragraph 83**, regarding **Supporting a prosperous rural economy**
- This Policy states, inter alia, that:
 - 83. Planning policies and decisions should enable:**
 - a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;**
 - b) The development and diversification of agricultural and other land-based rural businesses;**
 - c) Sustainable rural tourism and leisure developments which respect the character of the countryside; ...'**
- In addition to the Policy support for this more flexible approach, Class Q of the GPDO, as amended, now allows for up to 5 dwellings per holding, to be converted from existing agricultural buildings.

EFFECTIVE & POSITIVE

3. Local Plan Context:

- Comparing these supportive approaches with the Policies as set out in the Draft Submission Local Plans, presents a less than complete picture. It is not considered that this Policy Approach has been Effectively and Positively Prepared.
- Para **6.15** of the Local Plan does allow for Policy compliant new dwellings in the Countryside,

- The Rural Areas Strategy at **Chapter 26**, makes it clear at **Para 26.2** that Local Plan policy should support economic growth.
- There are 2 Policies in the Local Plan regarding conversions of rural buildings. Therefore, it is not to say that the Local Plan does not allow for such conversions but that such an approach is too heavily constrained. In the document:
 - **Policy RAS3** does allow for conversion of rural buildings, even in AONB's, but emphasises tourism and business uses in the first instance. Whilst this is supportable in terms of rural business employment initiatives, it sets a very difficult bar when it comes to residential re-use, requiring a conversion in the first instance and then a viability assessment further down the line, at least 18 months in the future.
 - It is consider that this policy is in conflict with the NPPF, and is onerous and unrealistic, where rural residential development is concerned, making it potentially difficult for rural residential properties to be achieved, and residential uses which could constitute enabling development for rural diversification initiatives.
 - Furthermore, the policy does not allow for replacement buildings.
 - **Policy RAS 2 (Dwellings in the Countryside), at subsection (d)**, also allows for conversion of Rural Buildings, although it is entitled 'Replacement Agricultural Building', which, it is contended, is a poorly worded and misleading Policy title.
 - This only refers to agricultural buildings and outside the AONB, but it is reflective of Class Q of the GPDO rights, and allows for replacement dwellings where there is clearly a fallback position in accordance with Class Q.
 - Therefore Policy RAS2 is a version of the Council's previously adopted Development Management Policy Note, but excludes the AONB.

4. Summary and Conclusions:

- Therefore, it is considered that the Council has a piecemeal approach to rural buildings in terms of uses, conversions and replacements, depending upon whether in the AONB or not, and is considered unnecessarily restrictive, particularly in the context of the provisions of the NPPF

ALLOCATION SITE HEA 1 – Land South of Burwash Road

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter: - 19 – Heathfield,

Paragraph Number: - 19.34 – 19.39, (page 253)

Policy Number: - RUGA 1 Land South of Burwash Road, (pages 254/255).

Figure/Table Number: - Map 20 – Land South of Burwash Road (page 256).

Q2 (a) - Do you consider the Wealden Local Plan to be Legally Compliant?

Yes/No

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

Wealden District Council produced its Reg. 18 - Issues, Options and Recommendations Plan in 2015. Public consultation on this document occurred through October 2015 to December 2015. The document was not specific about site allocations or the potential scale of encroachment into the AONB, although it is acknowledged that the North Eastern sector, where the proposed allocation site is located, was identified as one of the preferred options for testing, for new housing growth in the town.

Given the detail in the current Submission Plan compared to the previous Issues, Options and Recommendations Plan, and given the 32 month time lapse between the publication of the Reg. 18 and Reg. 19 Plans, the inadequate/lack of consultation in the intervening period with the Public, Parish and Town Councils and other agencies and authorities, we consider that the plan has not been properly prepared in accordance with Wealden District Council's Statement of Community Involvement (February 2012).

Q3 (a) - Do you consider the Wealden Local Plan to be Sound?

No

Q3 (b) – If you answered No to Question 3a. do you consider the Wealden Local Plan to be unsound because it is not (please mark all you think apply)

- Justified
- Effective
- Consistent with National Policy

Justified.

This site allocation lies partially within the High Weald AONB. The issues, Options and Recommendations Plan (2015), put forward the Preferred Option for Heathfield in Box 14, page 81 as follows:-

'Preferred Option

To concentrate on **considering land outside the Area of Outstanding Natural Beauty** within and on the edge of the current built up area, and look to the North East Sector and possibly towards Cross in Hand for future growth options. The delivery of 1,000 dwellings will be subject to the exception test within the National Planning Policy Framework concerning development within the Area of Outstanding Natural Beauty **and infill within the existing urban area will be identified to go towards the 1,000 dwellings; the exact amount will be provided through a capacity study.'**

It is appreciated that the dwelling numbers have changed and a much reduced quantum is being sought in Heathfield. However, there is no information in the Submission Plan to indicate any efforts to concentrate and allocate housing outside of the AONB, or any indication of capacity studies to identify infill development that will contribute to delivery of new dwellings in the town as stated in the Preferred Option.

There is inadequate justification and explanation within the Plan and supporting documents (Development in the High Weald AONB Background paper) for the allocation of Land South of Burwash Road within the AONB for housing. Please also refer to our representation in relation to the High Weald AONB – Policy EA5 (page 110).

In addition to the location of the site within the AONB, many references are given in paras 19.34 – 19.39 to the sensitivity of this location. It lies adjacent to Heathfield Park, (a registered Historic park and garden, designated SSSI, and area of Ancient Woodland), it is located within the Heathfield Habitat Link Biodiversity Opportunity Area, located adjacent to the Pevensy, Cuckmere and Rother watershed Biodiversity Opportunity Area, it is in close proximity to a Grade II listed building and has an historic routeway that passes through the site.

The selection of sites in relation to 'sensitivity' is subjective, and the exploration of alternative sites and infill capacity is considered weak. The Sustainability Appraisal of the SHEELA sites does not provide strong evidence to support or justify this site as a housing allocation within Heathfield.

Policy RUGA 1 – Land South of Burwash Road includes 9 specific requirements to 'protect, enhance and maintain' these sensitive environmental assets, through 'sensitive' and careful site planning and design. In addition, the developers of the site will be required to comply with Policy HG2 – Provision of Affordable Housing (page 511) and Policy HG9 – Housing Mix (page 519). Providing affordable housing in the Heathfield area has always been difficult to achieve, due to high land values and viability issues.

Combined, these requirements will inevitably increase the design and build costs of the site, affect the viability and prove difficult to achieve the affordable housing requirement together with the sensitive design to achieve the overarching environmental objectives in Policy RUGA 1.

In addition, building 30 units on land south of Burwash Road (HEA1) will significantly diminish the local distinctiveness of the urban/rural edge of Heathfield in this location, by introducing a form of design that will be at a higher density and out of keeping with the characteristics of this part of town.

There are considerable issues and concerns about traffic generation around Heathfield, as no comprehensive traffic assessment or studies have been carried out for the in-combination effects of growth in the north of the District outside of the South Weald Growth Area (SWAGA).

Four 'further studies' are included in Policy INF3 - Transport Infrastructure (Page 80/81), which will be 'undertaken to assess the impact of the proposed growth on the wider highway network'. This includes the A267 corridor study which is most relevant to Heathfield and Waldron and surrounding villages.

Reference is also made in Policy INF3 to additional highway works to improve capacity to the local network on 8 routes – 5 of which are part of the road network around Heathfield. These include the A272, A267, A265, B2096 and the B2203 (we assume that this is the intended route which runs from Heathfield to Horam as the stated B2023 is within the town of Tunbridge Wells).

The B2203 is formed in part by Tower Street, adjacent to site HEA1. This is currently a busy and well used route. Policy RUGA 1a), requires the construction of a single point of access from the allocation site onto Tower Street (the B2203), to be agreed by the Highways Authority and possible Section 106/278 contributions. This seems to be a potentially piecemeal approach if not tied into the wider route studies that are proposed in Policy INF3, which will be linked to growth in the local area. Please also refer to our response to Policy INF 3 - Transport Infrastructure (Page 80/81).

Effective.

The Parish Council does not consider that Policy RUGA 1 can be effective in bringing forward development in compliance with EA3 – Green Infrastructure (Page 97) given the requirements to protect environmental assets and the constraints this will place on site planning and design. Inevitably it is considered that the landscape, ecological, biodiversity and cultural value will be negatively impacts by development on this site.

Additional mitigation will be required in relation to highways improvements, which may not relate to the traffic and transport improvements of a wider transport study of the A267 (and feeder routes such as the B2203 Tower Street). Development of this site before any transport studies in the area are undertaken or completed will risk potential loss of funding towards implementation of improvements on the wider local network. This will exacerbate the already problematic traffic impacts on local roads adjacent to the site and knock on effects on local roads around Heathfield.

Allowing growth without any improvements will exacerbate existing local traffic problems (road congestion at key junctions and along the High street, car parking in

the town etc.) in the local area. In this respect, the allocation in Policy RUGA 1 – Land South of Burwash Road cannot be considered effective in protecting, improving and enhancing environmental assets and in bringing forward traffic and transport infrastructure improvements.

Consistent with National Policy.

As a Parish Council, we consider that the quantum of development allocated at within Heathfield in the AONB outlined in Policy RUGA 1 together with Policy EA5 relating to the High Weald AONB, do not comply with Paragraph 172 of the NPPF. Please also refer to our response in relation to Policy EA5 - High Weald Area of Outstanding Natural Beauty (pages 109/110).

ALLOCATION SITE HEA 2 – Land South West of Ghyll Road

Q1 – To which part of the Wealden Local Plan does this representation relate?

Chapter: - 19 – Heathfield,

Paragraph Number: - 19.40 – 19.42, (page 257)

Policy Number: - RUGA 2 Land South West of Ghyll Road, (pages 257/259).

Figure/Table Number: - Map 21 – Land South of West of Ghyll Road (page 261).

Q2 (a) - Do you consider the Wealden Local Plan to be Legally Compliant?

Yes/No

Q2(b) – If you answered No to Question 2a please give details of why you consider the Wealden Local Plan is not Legally Compliant.

Wealden District Council produced its Reg. 18 - Issues, Options and Recommendations Plan in 2015. Public consultation on this document occurred through October 2015 to December 2015. The document was not specific about site allocations or the potential scale of encroachment into the AONB. The Western Sector as it was then titled, within which this site is located however, indicated some limited potential at Tilsmore but did NOT put forward the sector as one of the preferred options for testing in the Reg. 18 document.

Given the detail in the current Submission Plan compared to the previous Issues, Options and Recommendations Plan, the change in direction in relation to the preferred option for testing in the Issues, Options and Recommendations Plan, the 32 month time lapse between the publication of the Reg. 18 and Reg. 19 Plans, the inadequate/lack of consultation in the intervening period with the Public, Parish and Town Councils and other agencies and authorities, we consider that the plan has not

been properly prepared in accordance with Wealden District Council's Statement of Community Involvement (February 2012).

Q3(a) - Do you consider the Wealden Local Plan to be Sound?

No

Q3(b) – If you answered No to Question 3a. do you consider the Wealden Local Plan to be unsound because it is not (please mark all you think apply)

- Justified
- Effective
- Consistent with National Policy

Justified.

Site HEA 2 is allocated wholly within the High Weald AONB. The issues, Options and Recommendations Plan (2015), put forward the Preferred Option for Heathfield in Box 14, page 81 as follows:-

'Preferred Option

To concentrate on **considering land outside the Area of Outstanding Natural Beauty** within and on the edge of the current built up area, and look to the North East Sector and possibly towards Cross in Hand for future growth options. The delivery of 1,000 dwellings will be subject to the exception test within the National Planning Policy Framework concerning development within the Area of Outstanding Natural Beauty **and infill within the existing urban area will be identified to go towards the 1,000 dwellings; the exact amount will be provided through a capacity study.'**

It is appreciated that the dwelling numbers have changed and a much reduced quantum is being sought in Heathfield. However, there is no information in the Submission Plan to indicate any efforts to concentrate and allocate housing outside of the AONB, or any indication of capacity studies to identify infill development that will contribute to delivery of new dwellings in the town as stated in the Preferred Option.

The allocation at Ghyll Road was rejected in previous plans and through the SHLAA and Sustainability Appraisal processes due in part to its location within the AONB. It was not included within the recommended sector at the Issues, Options and recommendations plan of 2015, as part of the Preferred Option for Heathfield.

We consider therefore that there is inadequate justification and explanation within the Plan and supporting documents (Development in the High Weald AONB Background paper) for the allocation in Policy RUGA 2 - Land South West of Ghyll Road, within the AONB for housing. Please also refer to our response in relation to Policy EA5 - High Weald Area of Outstanding Natural Beauty (pages 109/110).

The selection of the Ghyll Road site in relation to landscape 'sensitivity' is subjective, and the exploration of alternative sites is considered weak. The Sustainability Appraisal of the SHEELA sites does not provide strong evidence to support or justify this site as a major allocation within the AONB around Heathfield. With a proposal for 103 dwellings, it is the largest allocation within the AONB in the Proposed Submission Wealden Local Plan. In addition, the site does contain some valued habitats that are likely to be lost or adversely impacted by development in this location.

Policy RUGA 2 – Land South West of Ghyll Road includes 10 specific requirements to improve vehicular, pedestrian and cycling infrastructure and to 'protect, enhance, maintain and provide 'sensitive environmental assets'.

In addition, due to the quantum of development proposed, the developers of the site will be required to comply with Policy HG2 – Provision of Affordable Housing (page 511), Policy HG7 – Self Build and Custom Build (page 517), Policy HG9 – Housing Mix (page 519) and Policy HG12 – Accessible Housing (page 519), as well as with Policy EA3 – Green Infrastructure (Page 97). Accommodating these Policy requirements, whilst commendable, will be problematic as affordable housing in the Heathfield area has always been difficult to achieve, due to high land values and viability issues.

Combined, these requirements will inevitably increase the design and build costs of the site, affect the viability and prove difficult to achieve the affordable housing requirement together with the sensitive design to achieve the overarching objectives in Policy RUGA 2 – Land South West of Ghyll Road.

It is considered that building 103 units on land South West of Ghyll Road (HEA2), will significantly diminish the local distinctiveness of the urban/rural edge of Heathfield in this location, by introducing a form of design that will be at a higher density that is out of keeping with the characteristics of this part of town. In addition, it will also add significantly to the considerable traffic and transport impacts in the local Tilsmore area of Heathfield (particularly Tilsmore Road, Mill Road, Pook Reed Lane and Waldron Thorns), and the wider local transport network.

Ghyll Road/Sheepsetting Lane is an unclassified local road connecting the A 267 Little London Road and the B2203 Hailsham Road. These are key routes to the West and East of Heathfield respectively, and Ghyll Road/Sheepsetting Lane is currently used as a rat run between the two.

Access as required by Policy RUGA 2 (a) onto Ghyll Road will be problematic due to the proximity of the access to the Tilsmore Road junction, the fact that the road is at a gradient at this point and the level of the site is above the current road level. Ghyll Road at this point only has a footway on the northern side of the road, but none on the side of the road adjacent to the site. It is considered that it will be difficult to comply with the requirements of Policy INF4 – Site Access (page 82).

Tilsmore Road does not have any footways at all, Mill Road only has partial footways on one side of the road, Pook Reed Lane is a narrow country lane that is already

used considerably to access the A267, and Waldron Thorns is considerably narrowed (to one carriageway wide) by parked vehicles.

The number and speed of vehicles on Ghyll Road/Sheepsetting Lane is dangerous. Traffic calming measures have already been installed in Ghyll Road/Sheepsetting Lane and Tilsmore Road to reduce speeds and improve safety, particularly for school children walking to the Cross in Hand School. Additional traffic calming measures are proposed for implementation this year, to further address current problems.

Additional traffic generated by proposed residents of the site, will enter and egress from one point on the Ghyll Road frontage. To gain access to the High Street it is likely that traffic will use Tilsmore Road or Mill Road, exacerbating traffic issues on these residential streets and at the junction onto the High Street at the Fire Station.

Additional vehicular, pedestrian and cycling traffic onto Pook Reed Lane, which is narrow, without footways or street lighting, would be dangerous.

No comprehensive traffic assessment or studies have been carried out for the in-combination effects of growth in the north of the District outside of the South Weald Growth Area (SWAGA).

Four 'further studies' are included in Policy INF3 - Transport Infrastructure (Page 80/81), will be 'undertaken to assess the impact of the proposed growth on the wider highway network'. This includes the A267 corridor study which should we expect include feeder roads such as Ghyll Road/Sheepsetting Lane. However it is unlikely that this study will be undertaken in time to properly inform the wider traffic and transportation improvements that will be required.

Although this site is closer to the town centre and facilities than the RUGA 1 Site – land south of Burwash Road, the Burwash Road site has the potential to provide better and safer access to the local road network than the Ghyll Road site. The impact of traffic from the Ghyll Road site will have adverse impacts upon a wider area.

Effective.

The Parish Council does not consider that Policy RUGA 2 – Land to the South West of Ghyll Road, can be effective in bringing forward development in compliance with Policy HG2 – Provision of Affordable Housing (page 511), Policy HG7 – Self Build and Custom Build (page 517), Policy HG9 – Housing Mix (page 519) and Policy HG12 – Accessible Housing (page 519), as well as with Policy EA3 – Green Infrastructure (Page 97), given the requirements of these Policies and the constraints this will place on site planning and design. Inevitably it is considered that the landscape, ecological, and biodiversity value will be negatively impacted by development on this site.

Additional mitigation will be required in relation to highways improvements, which may not relate to the traffic and transport improvements of a wider transport study of the A267 (and feeder routes such as Ghyll Road/Sheepsetting Lane and adjoining

roads). Development of this site before any transport studies in the area are undertaken or completed will risk potential loss of funding towards implementation of improvements on the wider local network. This will exacerbate the already problematic traffic impacts on local roads adjacent to the site (particularly Tilsmore Road, Pook Reed Lane, Mill Road and Waldron Thorns) and knock on effects on local roads around Heathfield.

Allowing growth without any improvements will exacerbate existing local traffic problems (road congestion on adjacent residential roads, at key junctions with the A267 Little London Road, the B2203 Hailsham Road, and along the High Street), in the local area. In this respect, the allocation in Policy RUGA 2 – Land South West of Ghyll Road cannot be considered effective in protecting, improving and enhancing environmental assets and in bringing forward traffic and transport infrastructure improvements.

Consistent with National Policy.

As a Parish Council, we consider that the quantum of development allocated at within Heathfield in the AONB outlined in Policy RUGA 2 – Land South West of Ghyll Road together with Policy EA5 relating to the High Weald AONB, do not comply with Paragraph 172 of the NPPF. Please also refer to our response in relation to Policy EA5 - High Weald Area of Outstanding Natural Beauty (pages 109/110).