



report 26/10

8th November 2010

WEALDEN DISTRICT DRAFT CORE STRATEGY

Report by: Interim Head of Planning

Purpose of the report – *This report relates to the Wealden Draft Core Strategy, which, as currently proposed, will include part of the South Downs National Park*

Resource implications – Member and staff time, potential financial contribution towards the costs of public consultation and the Examination in Public

1. Recommendation

The Committee endorses the Draft Wealden Core Strategy as the proposed strategic planning policy framework for that part of the National Park within Wealden District for submission to the Government following a period for representations on its soundness, with the proviso that a further report be brought to the Committee following the period for representations for the Committee to consider the representations made, in the light of which the Authority may wish to review its position.

2. Introduction

- 2.1 The preparation of Local Development Frameworks (LDFs) (comprising Development Plan Documents (DPDs) which set the overall policy context (the Core Strategy) and subsequent site allocation documents is a statutory duty for District Councils and National Park Authorities local planning authorities.
- 2.2 Until the South Downs National Park Authority becomes the planning authority for the Park in April 2011, the responsibility for the preparation of Local Development Plan Documents for the Park rests with the current District, Borough and City Councils whose administrative areas cover the Park and Brighton & Hove Unitary Authority.
- 2.3 The South Downs National Park Authority (Establishment Order) confers a power under Article 18(2) for the Authority to adopt emerging Core Strategies. This is not a duty or obligation, but it is important for the Authority to have regard to the plan-making mechanism of the 2004 Planning and Compulsory Purchase Act. Under S.23 of this Act, local planning authorities have discretion whether or not to adopt DPDs that have been

approved by an Inspector following an Examination in Public. However, there needs to be strong reasons for a DPD not to be adopted and, if the DPD is to be adopted, then it must be adopted in accordance with the modifications made by the Inspector.

- 2.4 Therefore, Development Plan Documents (DPDs) covering areas of the Park that have reached the post-examination stage but not adopted before 1st April 2011 should, unless there are compelling reasons why they should not be, be adopted jointly by the Authority and the submitting authority (no DPDs are known to be in this position).
- 2.5 DPDs covering the Park in the course of preparation but which have not reached that stage by 1st April will, if the Authority chooses to exercise its power under Article 18(2) of the Establishment Order to adopt emerging Documents, become joint Documents of the Authority and the relevant local or minerals and waste planning authority. If the National Park Authority had significant concerns with the Document it could reasonably make submissions to the Examination In Public as to why or how the DPD should be further modified for the purposes of the National Park or even, provided that the Document had not been submitted to the Government, withdraw the Document under S.22(1) of the Planning and Compulsory Purchase Act 2004.
- 2.6 New DPDs commenced after 1st April 2011 may be joint Documents or prepared solely by the Authority. All DPDs in the course of production as at 1st April 2011 or commenced after that date will be set out, together with a timetable for their production, in the Authority's Local Development Scheme, to be adopted by June 2011.
- 2.7 For DPDs relating to the National Park to be adopted after 1st April 2011 but which have not yet been submitted, a key question to be addressed is whether the DPD should include the National Park or not. Prima facie, all Core Strategies should be District-wide, but this clearly cannot be a requirement after 1st April 2011. Legal advice is being sought on whether Core Strategies currently being submitted can anticipate this by excluding the National Park from their Core Strategy boundary. Subject to that advice, the issues which might determine the NPA's position are as follows:

Policy robustness

- 2.8 The main concern in deciding whether or not to exclude the National Park from a Core Strategy is the question of policy robustness – i.e. what is the most expedient way of providing a statutory policy framework which achieves the National Park Authority's objectives? At its meeting on 15th June, the Authority resolved to work with the Local Authorities on their emerging Core Strategies as the most expedient way of achieving sound policy, on the grounds that maintaining the momentum of current plan-making would achieve the quickest results, and that, subject to the National Park Authority working with the local authorities to achieve satisfactory policy content, this should be pursued. However, Core Strategies are now increasingly being delayed, e.g. by the government's changes to the planning system, so this is not now universally applicable.

Decision making and resources

2.9 Joint DPDs would imply an equal role for the National Park Authority and the local authority, which implies officer and member involvement at all stages of the process. Therefore Park Authority officers would have to attend officer working group meetings, and Authority members would need to be involved at any decision-making stage that involves the local authority members, including informal working group stages, which might otherwise be internal to the local authority. Local authorities may still for good reason wish to have their own internal member decision making procedures (as may the National Park Authority), but a key point is that the National Park Authority's role should be equivalent to the local authority's prior to any commitment being given by either authority. This could be a significant call on member and officer time relating to 15 LDFs, and suggests that an expedient approach should be considered, whereby the Park Authority would not be involved unless there are key factors which suggest otherwise.

Key factors

2.10 The key factors in deciding whether the National Park should be excluded from a Core Strategy are suggested to be:

- i) The likely date of adoption of the joint Core Strategy and proximity to the likely date of the National Park Core Strategy adoption – the closer the two dates are to each other the less justification there is for a joint Core Strategy, as adopting a joint Core Strategy at the same time as consulting on a Core Strategy for the National Park for the same area would wastefully duplicate consultation and would also be confusing for consultees.
- ii) Whether there are any key policy issues which need to be addressed in the short term.
- iii) Whether the current 'saved local plan policies' provide a sound policy framework in the interim (assuming that these could remain in force for the Park area) – if they do not, there is a risk that appeals could be lost on the basis of a lack of up-to-date policies (particularly in relation to housing provision).

For each local authority the balance of these issues will differ, and a judgement will need to be made on its merits

2.11 In preparation for the Authority's role as sole local planning authority for the Park, and hopefully to avoid the scenario set out in paragraph 2.5 above, initial officer-level discussions have already been held with a number of the existing local planning authorities across the Park. This officer involvement, together with that of members, will increase in the run-up to the Authority becoming fully operational next April.

3. Background

- 3.1 Wealden District Council's adopted Local Plan dates from 1998 and only allocated land for development up to 2004. Following the Planning and Compulsory Purchase Act in 2004, the District Council decided not to progress the Local Plan through to a public inquiry and statutory adoption. Instead, it proposed to amend the Plan following consultation on Wealden Local Plan Review Revised Draft Plan and to approve it as a non-statutory local plan. The plan was therefore approved as the "Non-Statutory Wealden Local Plan Interim Guide for Development Control" in December 2005.
- 3.2 The District Council is currently working on producing a Local Development Framework (LDF) to replace the adopted Local Plan and Non-Statutory Interim Guide. After consulting on Spatial Development Options in the summer of 2009, the Council has now prepared a draft Core Strategy for submission to the Government in spring next year, following a period for representations on the soundness of the Strategy. The Examination in Public is anticipated to be in the summer/autumn of 2011, with adoption of the Core Strategy in March 2012.
- 3.3 The draft submission Core Strategy covers part of the National Park in the very south of the District (including Alfriston and East Dean). Therefore, as explained in section 2 of this report, the National Park Authority will need to decide whether to adopt the emerging Core Strategy as a joint document of the District Council and the Authority, request the Council to omit the National Park from the Core Strategy, make submissions to the Examination in Public or withdraw it. These approaches are considered in more detail in section 5 of this report.

4. The draft Submission Core Strategy

- 4.1 The Draft Core Strategy has been prepared in accordance with the relevant regulations and guidance (for example, various Planning Policy Statements prepared by Government) including widespread internal and external consultation (including with the South Downs Joint Committee although not, to date, the National Park Authority) and a significant technical evidence base. It has also sought to respond to the recent revocation of the South East Plan with the attendant loss of policies and increased flexibility that that revocation has brought about, bearing in mind the post-revocation guidance from Communities and Local Government on the continuing need for LDFs and local target setting for housing provision.

Housing

- 4.2 In revoking Regional Spatial Strategies and providing advice on providing for future housing provision, the Secretary of State observed that some Local Authorities were comfortable with the growth figures produced in their Regional Spatial Strategies, but that others may wish to review them. Wealden District Council had consistently made

clear its objection to any growth in excess of 8,000 houses to 2026 and then only with appropriate infrastructure provision, a position based not least on the long experience of a pattern of delivering growth over previous plan periods of some 400 houses per annum.

- 4.3 The original (former) South East England Regional Assembly SEERA proposal embodied in the published draft Regional Spatial Strategy was for 8,000 houses to be provided within Wealden District between 2006-2026. However, following the Examination in Public of the South East Plan, the Inspectors' Panel revised that to 9,600 and the Secretary of State subsequently increased the figure to 11,000. In preparing the Draft Core Strategy, the District Council has had regard to the post-revocation flexibility and is once again proposing 400 houses pa, although over an 18 year period from 2012-2030, based on a carefully assessed balance between documented housing need, land availability and the impact of constraints (including both environmental and infrastructure constraints).
- 4.4 The Strategy proposes significant growth within Hailsham (1,300 dwellings) and Uckfield (1,000 dwellings) with additional growth at Stone Cross (650 dwellings) and Polegate (700 dwellings) to help meet the needs of the south of the District and to support the agenda for regeneration and investment emerging from the LDF of Eastbourne Borough Council. Lesser and proportionate growth is proposed for Crowborough (300 dwellings) and Heathfield (160 dwellings) owing to environmental and economic constraints.
- 4.5 To support the rural areas of the District, the Council has developed a settlement hierarchy based upon sustainability, accessibility and range of services available. Thirteen settlements are identified as suitable to sustainably accommodate growth in order to support the vitality of our villages and rural areas. These will provide for some 455 units over the lifetime of the Core Strategy.
- 4.6 Affordable housing will be sought on sites of five or more dwellings at 35% of the number of permitted units, although this proportion may vary for sites allocated in the sites allocation DPD. 100% affordable housing will be permitted on suitable exception sites.
- 4.7 As regards implications for the National Park arising from this strategy, the draft Core Strategy notes that panoramic views from the Downs limits urban expansion opportunities for Polegate, particularly against the rural backdrop to the north and west. The existing main road transport corridors provide firm limits to the outward extension of the town in these directions. The draft Strategy refers to the Honey Farm site (report PC13/10 to the Planning Committee on 9th August 2010 refers), and explains that this site has been re-assessed as part of SHLAA and is no longer considered suitable for housing.

4.8 The Strategic Housing Land Availability Assessment (SHLAA) identified a wide range of opportunities around Polegate and Willingdon. Two broad housing locations have been identified, one to the north of Polegate and the other to the south of Polegate and east of Willingdon. However, additional transport modeling is necessary to determine the most appropriate location(s) for growth, which will be identified and allocated through a future Delivery and Site Allocations DPD. The proposed housing allocation at Polegate will be phased to commence from 2019 to enable integration of development in relation to transport infrastructure requirements and interventions in South Wealden.

Employment

4.9 To further support sustainable development, increase in economic performance and the provision of employment opportunities, the Strategy allocates some 40,000 sq metres of employment land, principally in Hailsham, Polegate and Uckfield and promotes provision of an additional 17,000 sq m of retail floorspace, centred upon Uckfield and Hailsham.

Rural Strategy

4.10 The overall strategy is to ensure appropriate development which protects, supports and increases the range and quality of facilities and services available to the rural areas and which helps sustain rural living, reinforces the accessibility of settlements, whilst meeting needs and community aspirations. Outside the towns and the rural settlements identified for growth development will be restricted primarily to that required to meet an essential rural need, support rural diversification and sustainability of the countryside, promote tourism or enhance the countryside. More detailed development management policies and proposals will be contained in the Delivery and Site Allocations DPD in relation to development in the countryside. In the meantime the Council will use national policy and retained Local Plan policies to support development management decisions.

4.11 Development boundaries enable a clear distinction to be made between settlements (towns and villages) where certain forms of development may be appropriate or encouraged, and the smaller settlements and rural areas where protection of the countryside would usually take precedence. In order to sustain the District's larger, and more sustainable, villages the retention of development boundaries will allow a flexible approach in the provision of employment and other services and facilities. The role of development boundaries is to enable the market to deliver investment, regeneration, employment and growth subject to the detailed control of design and other matters through the development management process. However within the development boundaries the principle of development is acceptable.

4.12 Within the National Park, a development boundary is proposed for Alfriston but not for East Dean and Friston or any of the smaller villages. The proposed development boundary for Alfriston may be reviewed as part of the Strategic Sites and Delivery and

Site Allocations DPDs as appropriate. Allocations will be made for 10 dwellings in both East Dean and Selmeston (the latter outside but adjacent to the Park).

Environment

4.13 The draft Core Strategy seeks to maintain, restore, enhance and, where possible, create, habitats, biodiversity features and ecological networks to achieve a net gain in biodiversity and sustain wildlife in both rural and urban areas. The District's existing network of green infrastructure will be protected, improved and enhanced by the implementation of a Green Infrastructure Strategy. Landscape classification and specific measures for protection and enhancement will be contained in the Delivery and Site Allocations DPD with particular regard to the South Downs National Park, the High Weald AONB and the Low Weald.

5. Assessment

- 5.1 Wealden District's Core Strategy has been in the course of production for some time, and the National Park Authority's interest comes at an advanced stage in the process. Nevertheless, this does not bind the Authority to accepting the draft Strategy as presented or preclude the Authority seeking changes prior to submission, either through a formal representation on the soundness of the Plan to the Examination in Public or discussion with Wealden District Council, or even rejecting it.
- 5.2 As explained in paragraph 3.3, the Authority therefore needs to decide whether to adopt the emerging Core Strategy as a joint document of the District Council and the National Park Authority, request the Council to omit the National Park from the Core Strategy, make submissions to the Examination in Public or withdraw it.
- 5.3 Taking those options in reverse order, the implication of withdrawing it would be to leave that part of the Park within Wealden District without an up to date local policy framework, with reliance on statements of national planning policy e.g. in PPS7. This may cause difficulties on appeal, particularly in respect of housing provision.
- 5.4 In fact, the only concern with the draft Core Strategy is a lack of a strategic policy on the conservation and enhancement of landscape character and quality (the proposed broad locations for housing development at Polegate/ Willingdon are considered acceptable in principle). However, whilst such a policy would be desirable and consistent with the approach taken to biodiversity, it is not considered to render the Core Strategy unsound or incapable of endorsement by the National Park Authority. Nor is it considered necessary to pursue this as a submission to the Examination in Public – this issue can be addressed through the Authority's own Core Strategy in due course.

- 5.5 Taking the factors in deciding whether the National Park should be excluded from a Core Strategy identified in paragraph 2.10 of this report, the likely dates of adoption of a joint Core Strategy and the National Park Core Strategy would, as currently programmed, be some two years apart. As such, there is less justification for seeking the exclusion of the Park area on the grounds of wasteful duplication of consultation and confusion for consultees.
- 5.6 In addition, there are key policy issues that need to be addressed in the short term. The current adopted Local Plan dates from 1998 and there is a need to update the affordable housing and rural exceptions policies, and to provide additional policies on biodiversity, green infrastructure and gypsy and travellers. Omitting the National Park from the Core Strategy at this late stage could also have implications for the Core Strategy's housing strategy.
- 5.7 A joint Core Strategy would allow progress towards adoption at the earliest possible opportunity to continue, with the benefits of a robust, jointly-agreed policy framework for this area of the National Park.

6. Conclusion

- 6.1 Given the assessment in section 5 of this report, it is considered that the most appropriate course of action would be for the Authority to progress the Wealden Core Strategy as a joint plan with Wealden District Council.
- 6.2 The Committee is therefore recommended to endorse the Draft Wealden Core Strategy as the proposed strategic planning policy framework for that part of the National Park within Wealden District for submission to the Government following a period for representations on its soundness.
- 6.3 However, whilst Wealden District and the Committee may consider the Strategy to be sound, there is a chance that a significant issue will be raised during the period for representations on its soundness, and the Committee may wish to reconsider its position in the light of that issue. The recommended endorsement should therefore be with the proviso that a further report be brought to the Committee following the period for representations for the Committee to consider the representations made, affording the Authority the opportunity to review its position if it so wishes.

7. Resource implications

- 7.1 There are implications for staff time and finances. However, these implications are inherent in the National Park Authority's role as sole local planning authority for the Park, not solely as a result of the course of action recommended.

8. Risk management

8.1 The main risk identified with the proposals in this report is that the Core Strategy will be considered to be unsound, which would result in the lack of an up to date policy framework for that part of the Park within Wealden District until a sound Core Strategy is produced, either by the Council or the Authority. However, this risk is considered to be low – medium, and to be managed by adherence to proper procedures and the use of a good evidence base to justify the policies in the Core Strategy.

8.2 The proposed approach avoids the risk identified in paragraph 2.10 iii) of this report of appeals being lost because of the lack of an up to date policy framework.

9. Human rights, equalities, health and safety

9.1. There are not considered to be any human rights, equalities, or health and safety issues arising from this report.

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