

PINS ADVISORY VISIT: WEALDEN DISTRICT COUNCIL 23 NOVEMBER 2009 - INSPECTOR'S SUMMARY NOTE

The purpose of the advisory visit was to consider what has been done so far in preparation of the Core Strategy (CS) and identify matters that at this stage appear potentially problematic. It does not seek to test material, confirm the adequacy of the DPD or endorse any part of it as sound. These notes do not pre-judge the outcome of the formal examination of the DPD when submitted. The note sets out specific advice for this authority based on the particular circumstances and questions raised. Although the note contains some general guidance and good practice, it should not be assumed that this specific advice is applicable to all other authorities and other circumstances. The main sources of advice as to the appropriate content of DPDs are: PPS12; the PAS Plan-making Manual; PINS Soundness Guidance (July 2008) and PINS Learning from Experience September 2009.

1. Background

1.1 The Council published in July 2009 a consultation document which primarily focussed on the spatial distribution strategy for housing and employment. It set out distinct combinations for the scale of development between the 2 South East Plan sub regions that Wealden straddles and between the different settlements within the provisional settlement hierarchy. This consultation document focussed on options rather than draft policies.

1.2 The Council is about to revise its LDS. The provisional timetable is for a draft Core Strategy to go through the Committee cycle during the summer 2010 for pre submission publication in October 2010. In accordance with the expressed purpose of the Core Strategy in the current LDS, the Core Strategy will indicate the broad locations for development, but will not allocate any sites. The provisional LDS includes a *Strategic Sites* DPD to follow closely on from the Core Strategy and a subsequent *Delivery and Site Allocations* DPD which will cover any remaining development management policies and the allocation of smaller sites. (As an aside, I would suggest that the publication date for the Strategic Allocations DPD should enable the Council to take into account the Inspector's report on the Core Strategy and that publication of the Delivery & SA DPD should enable the Council to take account of the report on the Strategic Sites DPD so that any consequential adjustments can be incorporated- this would appear to be a logical approach in the circumstances).

1.3 For the purposes of the meeting, the Council's current position with the Core Strategy, LDS and intended work programme is set out in a report to the Council's LDF Sub Committee of 23 October 2009. From what I have read and from our discussion, it is apparent that the Planning Policy Team has a clear understanding of the role of the Core Strategy and its relationship to other DPDs and of the scale and scope of work that still needs to be undertaken. I therefore feel there is no need to set out any general background principles. I focus on the particular points of interest that you raised. I would, however, emphasise the need to relentlessly focus on that defined role and avoid being side tracked (by others) to less critical matters.

2 Overall form and content of the Core Strategy

2.1 I assume that you already have a copy of GOSE's general advice note on the form and content of Core Strategies, which provides a useful checklist of coverage. I do not seek to repeat what is covered there.

2.2 Many emerging and adopted Core Strategies are excessively lengthy. This is rarely a matter that directly relates to soundness, but makes the preparation of

the document and its Examination that much harder. The longer the document, the more scope there is for confusing repetition or unintended different emphasis in different parts of the document. Succinctness is a virtue and applies both to the overall coverage of the document and to the text. Relentlessly focus on the strategy and the strategic policies and proposals to put that strategy in place. Avoid subsidiary matters better suited to a lower order DPD. Make every word of the supporting text count in explaining the reason for a particular policy/proposal and how it will be applied/implemented. Whilst explaining the strategy is important, the Core Strategy itself is not the place for long explanations of how the document has evolved. There should be explicit cross references (such as by footnotes) to the evidence relied on for each part of the strategy. In the context of the substantial work and difficult strategic decisions that need to be addressed in the next 6 months to finalise the document, it is particularly important to focus only on those matters which are essential. The important spatial choices to be made about development and the intended suite of DPDs should enable Wealden's Core Strategy to be much more the type of document they were originally envisaged as being rather than what many have become.

2.3 At the heart of the Core Strategy should be policies and proposals about how different places will change i.e. the 5 main towns and then types/groups of villages or particular parts of the rural area. These place-based sections should contain all the key elements of planned change, including housing, employment retail etc as well as the infrastructure needed in those places to deliver the strategy. However, most Core Strategies have a few overall strategic policies before the place-based sections. These could cover the overall strategy for housing delivery (separately identifying the 2 South East Plan sub regions), the settlement hierarchy, possibly the retail hierarchy (unless that mirrors the settlement hierarchy generally), and so on. After the place based section there will need to be a few key delivery policies such as for affordable housing and to guide the allocation of site for gypsies and travellers (see below).

2.4 As part of managing the transition from the (adopted) Local Plan to the LDF and the relationship between the planned DPDs, it is important to be thinking now about what saved policies in the Local Plan each DPD will replace. Reg 13(5) requires this to be made clear as each DPD is published. It is usually achieved by placing the information within a cross-referenced table as an appendix to the DPD. Although I am not aware of any national guidance on the matter, I consider that it is undesirable if saved local plan policies are to be relied on indefinitely, especially so in Wealden as the statutory Local Plan is so old (1998).

2.5 There should be a ruthless, iterative assessment of what topics require a local policy - whether there is any need for a local emphasis on matters well covered in national advice (eg conservation areas) or in the RSS. If there is not, then a brief reference in the CS to reliance on national/regional policy is appropriate. Any outstanding allocations in the adopted plan or, more likely, in the interim local plan, which are to be relied on should be re-allocated (in the light of an up-to-date assessment such as in the SHLAA) in the appropriate lower order DPD.

2.6 The consideration of which policies in the LDF will supersede policies in the Local Plan should go hand in hand with consideration of how the Proposals Map will change when each DPD is adopted. The Regs require that any published/submitted DPD makes clear how the Proposals Map will change when that DPD is adopted (if any change is to occur). This is referred to as the submission Proposals Map and is normally a series of A4 extracts in the DPD at publication. These must show what will be deleted from the Proposals Map, as well as what will be added. Interested parties must have the appropriate

opportunity to comment/make representations on the boundaries of a designation and it should be clear when that opportunity has arisen. Each updating of the Proposals Map alongside a DPD also provides the opportunity for factual updates to the Proposals Map (eg a newly designated conservation area). But, if there are no or very few changes to the PM directly triggered by the Core Strategy, major factual updating/new OS base could await another DPD.

2.7 We discussed the possibility that the definition of the settlement hierarchy in the Core Strategy might implicitly signal that some small settlements which currently have a settlement boundary may no longer be classified as a settlement for policy purposes and thus no longer justify a settlement boundary to allow infilling. If this were to be the case, it would be helpful for the settlements concerned to be mentioned in the text of the Core Strategy (because they would not appear in the settlement policy). The removal of the settlement boundaries from such settlements would need to be shown on the submission Proposals Map. This type of fundamental change is different however from changes to the precise position of a settlement boundary (or other designation) which is best dealt with alongside a lower order DPD which more particularly addresses that level of detail (eg the criteria policy for the consideration of applications within a settlement boundary). The same approach is relevant to any other Local Plan designation (eg local landscape or local gap) which the strategy in the Core Strategy no longer seeks to rely on in the light of national and regional policy on such matters.

Use of the Key Diagram in the Core Strategy

2.8 We explored the scope for the Key Diagram to give a clear steer to the locations of the strategic developments. The key diagram can be used imaginatively to convey information eg arrows, arcs, blobs and, given the size of the district, could be divided into several parts to be clearer. However, there are limits as to the degree of specificity about the locations of development. Firstly, the Key Diagram is intended to be diagrammatic and not usurp the role of the Proposals Map in making allocations with clear boundaries. Secondly, it should illustrate no more than is expressed in the strategy itself. The underlying evidence about constraints; the scale of development allocated to broad locations (eg a sector of a town); and the sites in the SHLAA would together give a clearer picture of the likely area to be taken forward and allocated in the subsequent DPDs.

3. Housing and the SHLAA

3.1 The effectiveness of delivery of housing sufficient to meet the South East Plan's requirement and in a manner which accords with PPS3 is always a key issue for any Examination of a Core Strategy. The SHLAA is the most critical evidence for informing the development of the spatial strategy on housing; demonstrating that it can be delivered; and illustrating potential flexibility/choice of contingencies. It is thus essential that it seeks to identify the maximum number of acceptable sites, is kept up to date and is as robust as possible. Your SHLAA is still a work in progress, but we discussed your overall approach. It is a current high priority. My comments do not seek to replace the approach set out in the SHLAA Practice Guidance or advice by PAS. I have seen Wealden's Final Methodology Report October 2008 which appears comprehensive and closely related to the guidance. In the circumstances confronting Wealden, I particularly endorse the approach that has sought to be as comprehensive as possible and not to unduly constrain the types of locations where sites may be found.

3.2 The SHLAA is being prepared in advance of the determination of the overall spatial strategy, but this comprehensive approach should ensure that the Council has a suitable menu of sites to, firstly, test various options for deliverability and then, once the strategy is established, to demonstrate that there are sufficient sites to pick from to allocate in the allocation DPDs to implement the strategy. The broad assessment of whether a site is deliverable/developable is thus having to be made in the absence of assessing whether it would fit any, let alone the chosen, strategy. This point perhaps needs highlighting in the SHLAA. Furthermore, in relation to the assessment of infrastructure constraints you will have to make some broad brush assumptions as to whether those constraints could be overcome both for particular sites and cumulatively for general locations. It is likely that these constraints will only be adequately overcome if they are addressed in the Core Strategy. So again this working assumption needs to be highlighted.

3.3 You highlighted concerns that identification of a site in the SHLAA may carry some policy significance and thus risk weighing against the Council on appeal. I confirm that I am not aware of any advice which seeks to give the SHLAA any significance other than as an important evidence document to inform choices to be made in emerging DPDs and to address the ongoing need to demonstrate a 5 year land supply. In any appeals for housing sites it is the potential lack of such a supply which might particularly influence the outcome on a SHLAA or other site, in accordance with national policy in PPS3.

3.4 The SHLAA should not seek to include any windfall contribution until all the stages in the SHLAA methodology have been worked through openly, including the exploration of sites/broad locations for the 11-15 year period. You do not anticipate having to rely on windfalls. If circumstances change, it is important to bear in mind the test set out in PPS3 (59) for any reliance on windfalls in years 1-10 - *the genuine local circumstances that prevent specific sites being identified* (my emphasis). Any such reliance within the first 10 years would be the subject of very particular scrutiny at the Examination. If relying on windfalls as an element of supply in years 11-15, the thoroughness and objectivity/openness of the exploration of potential but rejected sites will be important.

3.5 Although you are not planning on relying on windfalls to demonstrate compliance with South East Plan's housing requirement, it is important to recognise when planning for infrastructure that windfall permissions and development on them will still occur. Where there are critical capacity constraints windfalls may eat into capacity assumed/intended for allocated sites (see below). Permissions resulting from windfall applications contribute to supply when they have been granted permission.

3.6 The Core Strategy has an important role in translating the evidence about housing supply from the SHLAA into policy. Thus the Core Strategy should indicate not only the overall scale of change anticipated in an area (eg for each town) but should also make clear what scale of housing development will be achieved through allocations in the subsequent DPDs. Given that Wealden will have 2 allocation DPDs it is also essential that the Core Strategy identifies the broad size of site that is deemed strategic and will be addressed in the Strategic Allocations DPD. This could be confirmed in the proposal policies for each town. For example (crudely): *about 500-600 houses to the north west of town XX to be allocated in the Strategic Allocations DPD and about 200 houses to be allocated on a mix of sites to the south and east to be allocated in the Delivery and (Minor) Allocations DPD*. This establishes a clear check for the subsequent consistency of those subsequent DPDs and should limit the extent to which competing sites have to be explored in the preparation and examination of those documents.

3.7 Some of the spatial options in the consultation document incorporate small amounts of development in some of the villages. Do you anticipate making allocations for these amounts if such development is included in the final strategy? I am conscious that such relatively small amounts of development might occur from infilling within existing settlement boundaries, but that type of development would be windfalls and thus should not be relied on in the first instance as a component of your planned housing supply.

3.8 A similar approach to that in 3.6 should be used in relation to employment land. As well as allocations, the Core Strategy should also make clear which DPD will contain the policy managing change within existing employment areas (if there is to be one) and consequently the DPD that would trigger the review of the designations (boundaries) of existing employment areas.

4. Infrastructure

4.1 PPS12 emphasises the importance of good infrastructure planning. This is causing many Councils difficulties in assembling the background evidence and also in the degree of detail appropriate to the Core Strategy. The key point is that the Core Strategy should clearly identify what additional infrastructure (if any) is necessary to deliver the overall strategy. The evidence should cover who will provide the infrastructure and when it will be provided. South East Plan policy CC7 makes the position clear.

4.2 Your Infrastructure Position Statement (July 2009) provides a very good baseline position and I also welcome its explanation of the process/timescale of how some decisions will be taken forward on potential projects. However, you recognise that there is much more work to do as the chosen spatial strategy emerges, both in testing its implications on infrastructure and in specifying what needs to be delivered to make development happen as planned. There are several critical infrastructure issues.

Hailsham Waste Water Treatment outfall

4.3 You are working closely with Southern Water and the Environment Agency to explore potential solutions. However, by next Spring when you have to decide on the strategy and when the plan is subsequently submitted there will remain considerable uncertainty. Assuming that SW has now been given the funding for the study of the new outfall location, that work will still need to be done and when (if) identified, SW will need to make a bid for funding approval from OFWAT for construction in the period 2015-2020.

4.4 On the one hand, this is a high degree of uncertainty for planning a major allocation, but on the other the alternative might be little development in this area which is part of south Wealden where the SE Plan steers the largest share of growth. In my view, a twin track approach would be best. Firstly, ensure that you have the clearest evidence and most explicit commitment you can get from SW about their intentions and expectations, confirmation from the EA as to the likelihood of an acceptable, deliverable solution, and time the allocation of any development dependent on these capital works conservatively. (Although I appreciate there may be a danger of unintentionally undermining the necessary priority of any subsequent SW bid to OFWAT.) Secondly, the Core Strategy must embed a contingency proposal of how this scale of development can be accommodated elsewhere. This should be linked to specific events/time eg failure of the study to identify a suitable location or failure of any OFWAT bid in 2014 (and stated in the monitoring targets) allowing time for the contingency to be enacted to ensure delivery of the necessary housing.

4.5 You are also exploring the existing “headroom” at the WWT plants or what headroom might be possible with the existing outfalls. It is essential that the evidence on this makes clear the assumptions about existing commitments/new development and about any water efficiency measures. Assuming that potential headroom will be used up well within the plan period, might this lead to a need for an embargo on all development (including windfalls) if the major solution does not come to fruition? You are also exploring with Southern Water and the EA the potential to utilise capacity within the Eastbourne works (where there is understood to be considerable headroom). Again, I endorse your comprehensive approach to finding solutions to the constraints confronting development in this southern part of the District.

A27 Polegate

4.6 I appreciate that there is a long history to this issue and frustrated local expectations about major improvements such as the Folkington Link. I understand that a joint transportation study is underway (with Eastbourne BC, East Sussex and the Highways Agency as a non funding partner) into all transport options in this part of the district. It is clearly essential that the results of this work are available in time to properly inform your choices about the spatial strategy. (I understand that the County Council is commissioning this work which has been promised for completion by end February 2010.)

4.7 Your Infrastructure Background Paper outlines the process by which any agreed need for a major A27 improvement might be taken forward through the regional bidding process. I assume that this would only just be starting at the time that the Core Strategy is published. I can only advise extreme caution in contemplating any critical development which is dependent on a successful bid for government funding simply because of the widely recognised uncertainty about public spending in the next few years. I see this as much more uncertain than the process in relation to the waste water outfall. Whilst you could contemplate a similar contingency arrangement as I suggest for Hailsham, 2 such potentially major contingences would be in danger of skewing the whole strategy.

Ashdown Forest SAC/Mitigation & SANGS

4.8 You are working closely with Natural England on the potential impact of development in the north of the District on Ashdown Forest and I understand a recreation study is underway to explore impact and potential means of mitigation. I regard the necessary mitigation as an essential element of green “infrastructure”. The Core Strategy will need to set out the approach to mitigation and be supported by evidence which indicates the additional capacity for development that might arise from new management measures on the Forest and/or specify the level of SANGS that is required. If SANGS is necessary, there should be evidence of the deliverability of the amount of land required, which might need to encompass SANGS being provided from within the development sites themselves. The effect of windfalls using up capacity created from improved management might also need to be taken into account.

5. Evidence generally and particular topics

5.1 Evidence gathering is a means to an end and not an end in itself. The starting point for the Inspector’s Examination is the submitted Core Strategy and the evidence base will be explored only as much as is necessary to be satisfied that the Core Strategy is sound.

5.2 The published/submitted Core Strategy must make clear what evidence is relied on. This can be achieved by short explanations in the text and cross

references (footnotes) to specific parts of supporting documents. All the evidence on which the Core Strategy is based should be published at the latest at the same time as the Pre-Submission publication, if not before, eg the SHLAA.

5.3 In my experience, many LPAs do not sufficiently grapple with, marshal and explain how evidence has been used, but often simply enclose with the submitted DPD many free standing studies and reports. Often it is not clear to what extent the recommendations/conclusions of such reports have been taken forward and why some recommendations are preferred over others. This difficulty will not have directly led to any finding of unsoundness, but will have made the Examining Inspector's task harder. Clarifying explanations can be in the text of the CS if brief or, if more lengthy, set out in a separate supporting evidence document. There could be a continuing positive role for a document like your *Summary Guide to Evidence Studies*. Such a Guide could usefully, but briefly, indicate whether the Council has broadly accepted the recommendations made in particular studies and/or whether earlier studies have in part been superseded by later work etc so that it is a guide to the evidence overall. But I would not want this suggestion to become an onerous task, although it could be helpful as an internal tool/check on integrating the evidence.

Affordable Housing

5.4 The affordable housing policy is one of the few specific subjects that should be addressed in the Core Strategy. I understand that you have evidence about need and viability (I have not looked at these). It is important that the viability evidence is sufficient to give an indication of likely viability over the life of the Core Strategy not just at one point in time (whether the market peak or floor). It should also take into account the likely other financial contributions that might be expected from developers (which might vary between the different parts of the district). The evidence should have encompassed the smallest type of site that you envisage seeking contributions from.

5.5 You are conscious that the consultation document did not set out either options or particular wording for generic policies such as for affordable housing. My impression is that you have been exploring via various mechanisms the need and expectations of different towns and villages for affordable housing. I would strongly suggest however that the opportunity be taken for some focussed consultation on the deliverability of the emerging affordable housing policy to encompass locally active Registered Social Landlords and developers.

Sustainable Building/Renewable Energy

5.6 There are 3 separate, but related national/regional policy strands on this broad issue. Firstly, there is the question of whether any local policy requiring possible acceleration of emerging national building construction standards would be justified. If contemplating such a policy you must have regard to the advice in the PPS1 *Supplement on Climate Change* especially paragraphs 31-33 (including that when proposing any local requirements for sustainable buildings LPAs must be able *to demonstrate clearly the local circumstances that warrant and allow this*). This advice is embedded in SE Plan policy CC4. Many policies along these lines in submitted Core Strategies have had to be amended or deleted because of the lack of such evidence. I am also aware that several Councils have adopted relatively stringent accelerated standards in SPD, but of course these have not been independently examined and in very few cases will such SPD be related to a recently tested development plan policy.

5.7 I would endorse your cautious approach to the possibility of such a policy. The only emerging evidence of a local justification you highlighted is in relation to water efficiency and the limited outfall capacity of the Hailsham waste water

treatment outfalls to Pevensey levels. This might justify accelerating a code for Sustainable Homes standard in relation only to water efficiency for all developments connected to those works.

5.8 The second strand is promoting decentralised and renewable or low carbon energy in new developments. South East Plan policy NRM11 fixes 10% as the minimum. If you do not wish to go further and have no evidence to do so then you need not repeat or amend this policy, which is already part of the development plan. The Council is considering a policy that may require a carbon reduction target rather than merely a % requirement for renewables (reflecting comments received from the South East England Partnership Board). Whilst this appears to reflect the emerging consensus on this issue, you need to understand, test and explain whether any such policy would, overall, impose an additional requirement/burden over and above existing (national/regional) policy. A consultation draft of a new PPS on climate change is expected by the end of the year. Whilst this will not, of itself, have significant policy weight, it will signal the direction of travel and perhaps help explain the priorities within existing advice. Therefore I would give some regard to it as it may assist in this tricky area.

5.9 The third strand is facilitating renewable energy projects to help achieve regional targets as required by SE Plan policy NRM14. This refers to a sub regional approach and undertaking more detailed assessments of local potential. Many evidence studies to explore this strand do not seem to identify anything locally specific and are often simply a general review of all possible renewable energy options. Such evidence does not assist in developing a strategic policy. Joint working with other adjoining LPAs may be more cost effective. In the time available you may not be able to take this forward in the Core Strategy.

Gypsies, Traveller and Travelling Showpeople

5.10 The Core Strategy should include a policy for the provision of sites for gypsies and travellers and travelling showpeople because this is a requirement of Circulars 1/2006 *Planning for Gypsy and Traveller Caravan Sites* and 4/2007 *Planning for Travelling Showpeople*. The Circulars indicate that such a policy should include criteria specifically to guide allocations to meet needs, as well as any other (windfall) applications. In my view there may be scope for separate but overlapping criteria to reflect the variety of locations where a small family pitch might be acceptable (as well as available, affordable and so on).

5.11 As the outcome of the Partial Review of the RSS will not be finalised until after the publication of the Core Strategy, any policy should be sufficiently flexible to handle any requirements for Wealden which are eventually confirmed. The numbers could, of course, increase reduce or stay the same. I consider that the policy should confirm that the requirements of the Partial Review will be met when confirmed, but should recognise that those numbers are a minimum not a maximum. It would be best to be thinking now about how additional needs/sites might actually be met so that the policy can give a positive steer to allocations in the light of that reality. The policy should make clear which DPD is to allocate sites. Are you envisaging any sites being part of major housing allocations thus needing to be allocated in the Strategic DPD? I also consider that this type of policy should require possible sites to have acceptable living conditions for future occupants and protect existing sites from alternative uses, given the high level of regional need.

Accessibility of small settlements

5.12 As already noted, some of the options canvassed the possibility of development in small villages. One criterion used for the settlement hierarchy is the 30 minute travel time by public transport to trains/higher centres. I would

suggest caution in the usefulness of this criterion, since my understanding is that it does not take into account the frequency of such a service. Where services are infrequent and publicly subsidised what weight can reasonably be placed on services continuing indefinitely? I have never seen any evidence that small scale additions of housing/population in small settlements make any material difference to the viability of services. Many large villages still struggle with service retention. Whilst a single early morning/evening bus might enable someone without a car to access wider services by bus, such a low frequency service is unlikely to be an attractive alternative to those who have access to a car.

Possible other policies in the Core Strategy

5.13 A common weakness I have found is that strategic policies often simply set out generic good planning objectives (sustainability, accessibility, good design) in words which could apply anywhere. But such principles are already well established in national and regional policy and thus whilst such policies are not unsound they serve little purpose. What is needed is a strategy which has applied and embodies these and other relevant factors to Wealden District. In the light of all the above discussion there may be little need or scope for many other generic policies in the Core Strategy. Policies which have a particular bite would need to have been the subject of some focussed consultation if not previously canvassed in some form. I also consider that the time available before final drafting is unlikely to allow for much additional material to be worked-up, but this will ensure that the document is focussed on the spatial strategy.

6. National park

6.1 Your current indicative LDS timetable means that the Council will be adopting the Core Strategy after the National Park Authority has assumed its planning powers. Although I know that special arrangements are contemplated in the transitional regulations concerning adoption of emerging DPDs, I am very unclear how these might work. You need to keep under review whether regulations will enable you to adopt that part of the plan applying to the National Park after April 2011 or whether the NPA will be able (or required) to do so. I previously suggested to Chichester District at an advisory visit in the summer that proposals in the Core Strategy covering the National Park are within a distinct section of the document so that they could be readily extracted if necessary. However, I recognise that there should be a common approach to this issue across all the LPAs affected and that GOSE or DEFRA may need to coordinate and provide clear advice on this matter.

Simon Emerson
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7 December 2009