

Minutes of a meeting of the CABINET LOCAL DEVELOPMENT FRAMEWORK SUB-COMMITTEE held on Wednesday, 20th April, 2016 in the Civic Community Hall, Vicarage Lane, HAILSHAM (11.30 a.m. to 2.13 p.m.)

PRESENT: Councillors A Newton (Chairman), N Collinson, R Galley, J Howell, R Standley, S Stedman and S Shing.

Also present in accordance with Access to Information Procedure Rule 22: Councillor B Bowdler.

In attendance were the Strategic Planning Manager (M Briggshaw), Director of Planning Policy & Economic Development (N Hannam) and Democratic Services Officer (S Lawrence).

16/1 MINUTES

The minutes of the meeting held on 25th September 2015 were confirmed and signed as a correct record.

16/2 DECLARATIONS OF INTEREST

Councillor Galley declared a personal interest in agenda Item 4, due to his position on the Board of the Conservators of Ashdown Forest, who were mentioned in the agenda report.

16/3 WEALDEN LOCAL PLAN - ISSUES, OPTIONS AND RECOMMENDATIONS CONSULTATION RESPONSES

Members considered the report summarising the responses received to the questions within the Wealden Local Plan – Issues, Options and Recommendations Document, for which comments had been invited between 19th October 2015 and 14th December 2015. The Chairman and Portfolio Holder for Planning and Development, Councillor Newton, asked the Sub-Committee to consider the 46 questions in sections. The Sub-Committee gave detailed consideration to the responses and recommendations and raised the following issues and questions:

Questions 1 (inclusion of presumption in favour of sustainable development), 2 (strategic housing strategy) and 7 (vision):

- *Sustainable Development* – It was noted that there was general support in the responses for the presumption in favour of sustainable development in line with the National Planning Policy Framework (NPPF), but the definition of ‘sustainable development’ was not fully understood.
- *Housing Needs Assessment* – Several Members expressed concern that that Government rules were forcing the Council to build too many houses and that the calculation of the objectively assessed housing need had led to the Council immediately being considered short on its 5 year land supply,

even though it was meeting its plan target (The Core Strategy). It was asked if the Portfolio Holder could raise these issues and the need to preserve green spaces and the environment with the Secretary of State. Councillor Newton supported this view and agreed to raise these matters in a meeting she was seeking with the Secretary of State, Greg Clark MP.

- *Testing of the Local Plan and Infrastructure Provision* - It was recognised that there was a need to develop the Local Plan quickly to stop develop-led growth, but that this would depend on infrastructure being delivered. The Strategic Planning Manager confirmed that the objectively assessed housing need (assessed as 735 per annum) and the numbers of properties that could be delivered through the plan (assessed as 832 dwellings per annum between 2013 and 2037), were only the starting point for testing. The document out for consultation was a testing document, and if there were good and robust reasons that these numbers could not be provided, the Plan would change.
- *Significant Areas* – Concern was raised on the need to protect Ashdown Forest and the Pevensy Levels equally. The Strategic Planning Manager confirmed that the Ashdown Forest and Pevensy Levels were both important areas, protected for different reasons. The recent assessment of nitrogen deposition in the Ashdown Forest had shown that on average that the critical load was being exceeded and close to roads the nitrogen deposition far exceeded critical load, and there was a need to carry out additional work. The Pevensy Levels were now ratified as a Special Area of Conservation related to the protection of a species of snail. Both areas needed to have a Habitat Regulations Assessment, which was a rigorous process. If the effects of development could not be avoided/ mitigated sufficiently, it could result in a reduction or re-location of housing numbers in the Local Plan.
- *Duty to Co-operate* – Members noted the responses from neighbouring authorities and the extent to which they wished for Wealden to provide for their under-supply under the Duty to Co-operate. The Director of Planning Policy and Economic Development gave assurances that neighbouring authorities must undertake detailed assessments to demonstrate how they were meeting their own housing need and would be robustly challenged on these. Only if shown to be unable to meet their numbers, would Wealden need to consider making provision for housing numbers for other authorities under the Duty to Co-operate, and only if Wealden was found through testing to have capacity over and above its own objectively assessed housing need.
- *Affordable Housing Definition* - A question was asked as to whether affordable housing included starter homes, and if starter homes and self-build properties could be included in Community Infrastructure Levy (CIL). The Strategic Planning Manager confirmed that the Government was consulting on housing legislation, and it was anticipated that starter homes could come to be recognised within the definition during the period of Local Plan development. Assessments would be carried out so that they could be included in the final plan, if this change came into effect.
- *Windfalls* – A question was asked whether ‘windfalls’ (unplanned planning consents) counted towards fulfilling housing needs. The Strategic Planning Manager advised that ‘windfalls’ had not been included in the Core Strategy. However, unlike in the previous plan (Core Strategy), Officers were looking to write the new Wealden Local Plan so that windfalls could be

included. This included an evidence base to identify developments likely to come forward and be built out (called urban capacity studies). This would enable 'windfalls' to be used..

- *Settlements* – It was raised whether settlements in villages close to Tunbridge Wells would be sustainable, given their reliance on key services from Tunbridge Wells. The Strategic Planning Manager advised that this related to the settlement hierarchy, and what factors made a settlement sustainable. Officers would be looking at the individual issues that had been raised in each settlement, and this was addressed in later questions. However, it was noted that in some cases further growth could help areas to become more sustainable and enable the provision of infrastructure.
- *Infrastructure* - It was noted that many responses were concerned that if development must take place, essential infrastructure had to be put in place including provision of road capacity (especially A27), schools, medical services, and that consideration be given to the impact on air quality. The Strategic Planning Manager confirmed in relation to air quality that the assessments considered effects on human health and the environment as considered at Ashdown Forest. Impact upon human health was not an issue for the area currently, but was something that would continue to be monitored and considered. The questions in relation to infrastructure were addressed later in the document.

The Sub-Committee confirmed its endorsement of the recommended actions in relation to Questions 1, 2 and 7, but asked for an additional recommendation overall that the Portfolio Holder raise with the Secretary of State the issues highlighted above.

Questions 3 (Strategic Economic Strategy), 4 (Business Areas), and 5 (Strategic Culture and Leisure Facilities)

It was asked if there were sufficient sites for employment and creation of jobs in the plan for the number of houses. The Strategic Planning Manager confirmed that this was an important part of the plan to provide employment sites and spaces. Assessment studies had been commissioned to look at where employment was currently delivered in the area, which included looking at the retail sector and rural economy, and looking at how employment land and retail space can be brought forward if required.

The Sub-Committee endorsed the recommendations set out under Questions 3, 4 and 5.

Question 6 (Pitches for Gypsies and Travellers)

The Strategic Planning Manager provided information on a recent change in the legal definition of Gypsies and Travellers, which had an implication in the assessment of accommodation needs.. She advised that there still could be a legal challenge to this change, so an assessment would be done on both definitions, and the correct one included in the Local Plan going forward. It was asked why the figure in East Sussex had changed overnight. It was explained that East Sussex in conjunction with the South Downs National Park Authority had undertaken a new needs assessment based on survey evidence and this had led to the change in figures.

The Sub-Committee approved the recommendations in the report in relation to this question.

Question 8 (Brownfield Land)

It was noted that guidance had changed in relation to brown field sites, with many more developments allowed under Permitted Development rights. The Leader confirmed that the Council would wish to build on brown field land wherever possible, but that Wealden had significantly less sites than other parts of the country.

The recommendations in relation to this section were approved by the Sub-Committee.

Questions 9 (Development Boundaries), 10 (Settlements without development boundaries) and 11 (Town and Village Centre Hierarchy)

The Sub-Committee noted that there had been mixed feedback in relation to use of Development Boundaries, some respondents wanting more flexibility within the NPPF, and some welcoming their use. Concern was expressed that with developers putting in applications now outside the proposed development boundaries there was a potential for these boundaries in the plan to be shaped by developers rather than the Council. It was confirmed that this was an important reason to press forward with the development of the Local Plan to provide that level of certainty, and with each stage completed the developing plan had more weight.

It was highlighted that the Government was looking at policies similar to that of Core Areas, which was a principle which Wealden had introduced within the Wealden Local plan, and it was expected that the NPPF would be amended to reflect this concept. The Strategic Planning Manager highlighted that there had been substantial confusion between the terms of settlement hierarchy and town centre hierarchy, and therefore the plan was to merge the two concepts. The Sub-Committee endorsed the recommendations in relation to questions 9, 10 and 11.

Questions 12 to 18 (preferred options for town centres, change of use, unit size and retail)

The Sub-Committee noted the responses in respect of each of the preferred options for testing set out in the consultation.

It was highlighted that the key infrastructure missing from Hailsham was a railway station, and as this could not be provided, work had to take place to plan for the provision of other transport links to the nearest station in Polegate and for additional parking if needed. It was also debated how the provision of the station linked to the prosperity of the high street in Polegate. It was noted that Heathfield Town Centre was essential to the surrounding area, and that it needed to be protected and developed.

It was commented that it was essential to recognise the changing role of high streets within the Local Plan, and to take account of both the day and night time economies of town centres and integrate them, and to ensure that the right buildings were in place to facilitate and encourage these uses.

The Sub-Committee endorsed the recommendations in relation to Questions 12 to 22.

Questions 23 - 35 (Preferred options for testing in each area)

Question 23 (Hailsham, Hellingly, Polegate and Arlington)

- The Strategic Planning Manager highlighted that there had been significant feedback on the need for infrastructure and there was lack of trust in it being provided, with particular concerns relating to the capacity of the A22

and A27. Environmental concerns also had been highlighted, including flood risks. The Sub-Committee noted the overall lack of satisfaction and lack of support for the preferred option for testing within the feedback, with many respondents not wanting the additional housing to be built.

- The Strategic Planning Manager highlighted that a number of areas of land had been identified as part of the Strategic Housing and Employment Land Availability Assessment (SHELAA) and testing was needed as to which sites were viable and could be delivered. In relation to flood risk, she advised that the Environment Agency had recently revised its criteria in relation to assessments, and this would be taken into account.
- Members noted that the Hailsham Area Action Plan was being developed as part of the testing process for this area.
- It was asked if consideration could be given not only to capacity of roads arising from growth, but also the volumes of traffic involved in the construction phase.

Question 27 (Frant) – A concern was raised that this was a significant number of houses for a village of this size and as to whether sufficient services would be available in Tunbridge Wells to serve the development.

Question 33 (Horam) – Concerns were raised as to the use of smaller local roads as an access routes to the new development and on whether there would be sufficient schools to serve the new communities.

Councillor Newton confirmed that the Infrastructure Development Plan was used to identify the need and timing of different types of infrastructure in relation to developments and this was a joint plan with the County Council and other partners. In addition, Wealden Council was working with the County Council on a transport model to look at the impact of development road uses, congestion and modal shift, and this would continue to be updated during the life of the plan up to 2037.

The Sub-Committee agreed the recommendations in response to Questions 23-35, and endorsed the need for further testing.

Questions 35b (Landscape), 36 (the Countryside), 37 (Design and Location of Development), 38 (Historic Environment), 39 (Biodiversity, climate change, drainage, Pevensey Levels and Ashdown Forest).

The Sub-Committee noted the responses to each of these questions and the work proposed. A point was raised that the Low Weald was just as valued as many of the areas of AONB, and should not be viewed somewhere to put all development, and it was asked if the need to protect such countryside was raised by the Portfolio Holder to the Secretary of State.

The Sub-Committee agreed the recommendations in respect of Questions 35b to 39, with the addition to the representations to be made to Secretary of State.

Questions 40 and 41 (Affordable Housing and Housing)

The Sub-Committee noted the responses received in relation to these questions.

It was asked as 42% of respondents disagreed with the preferred options whether this should be more clearly reflected. The Strategic Planning Manager advised that it was difficult to state the dissent that clearly, as there were a significant number of arguments coming from different and sometimes

contradictory perspectives, but that there were issues related to viability and changing Government Guidance to be explored and the policy needed to develop taking into account this guidance, the Council's own policies and the nature of the area.

The Sub-Committee endorsed the recommendations in relation to questions 40 and 41.

Question 42 (shopping policies outside Town and Village boundaries)

The Leader commented that he strongly supported the view put forward that any such retail provision should not have a detrimental impact on the health of the town centres.

The Sub-Committee endorsed the recommendation in relation to question 42.

Question 43 (Infrastructure)

The Sub-Committee's comments in relation to the importance of infrastructure covered in discussions of questions 1 and 2 were noted.

It was suggested the Portfolio Holder highlight to the Secretary of State that housing could not be delivered without sufficient infrastructure funding and provision. The Leader highlighted that one of the key objectives in relation to the Devolution bid, was to seek more powers in relation to local provision of infrastructure, and that the South East Local Enterprise Partnership (LEP) was seeking to access growth funds and European Funds to this end.

It was noted that the Council continued to work with the County Council and other partners on the IDP (Infrastructure Delivery Plan), which set out the essential infrastructure that was required at each stage of development, and the Council was using its own Revolving Infrastructure Fund where needed to progress development. This included discussion with the East Sussex County Council on education provision.

It was suggested that the ongoing work of the Council in seeking to secure the funding and provision of such infrastructure, could be further communicated locally.

The Sub-Committee approved the recommendations in relation to question 43, but asked for the additional matters highlighted to be raised with the Secretary of State.

Questions 44 and 45 (Scope of the Local Plan and Hailsham Area Action Plan)

The Sub-Committee noted the responses to each of these questions and the request for greater clarity, and agreed the recommendations in relation to each question.

Question 46 (Sustainability appraisal)

The Sub-Committee noted that the feedback raised a number of questions as to the definition of 'sustainability' and an expectation that 'environment' would be weighted higher than other factors, which was not the case. The Strategic Planning Manager gave assurances that the assessment was being undertaken in the correct way, and had been carried out at an earlier stage that was technically required.

The Sub-Committee endorsed the recommendations in relation to question 46.

Petition

A question was asked as to whether the Council intended to respond to the petition. It was also asked if Wealden Council would support Polegate Town

Council in its bid for cemetery ground in Eastbourne. The Strategic Planning Manager advised that a burial ground study was being undertaken to assess the level of need in Wealden and to allocated new land. Where that provision was in another Council area, Polegate Town Council would need to contact that Council directly. In relation to the Petition, it was noted that it was not for the Council to respond as it was directed to the Secretary of State, but that the Portfolio Holder would ask him how it was being dealt with at her meeting.

Conservation Area Questions 1-5

The Sub-Committee noted the responses received in relation to the Conservation Areas Consultation, which had been carried out separately.

It was highlighted that a question had been raised at a Hailsham Area Action Plan meeting as to why there had been a change in which areas were classified as conservation areas. The Strategic Planning Manager explained that English Heritage had set the criteria and two conservation officers were examining areas as to whether conservation areas should be extended or reduced. Any factual information that communities wish to present in relation to particular areas would be taken into account in this assessment. Any changes to the conservation areas would ultimately need Secretary of State ratification.

The Sub-Committee noted and approved the recommendations in relation to the Conservation Areas questions.

RESOLVED to request the Portfolio Holder for Planning and Development:

- A. To note the publicity carried out for the Wealden Local Plan Consultation, including events detailed in Appendix A to the report;
- B. To note the summary of responses to each question contained within the Wealden Local Plan Issues, Options and Recommendations Consultation attached at Appendix B to the report and the summary of responses to the Conservation Area Consultation Paper at Appendix C to the report;
- C. To agree the recommendation to proceed with the testing of the preferred options for testing whilst considering the reasonable alternatives and further work outlined in the recommendations set out in the report; and
- D. To ensure that the issues of concern highlighted by this Sub-Committee are robustly raised with the Secretary of State.

(Note: Councillor Galley left the meeting at 1.32 pm during discussion of this item).

Councillor A Newton
Chairman