Hearing Statement for
Portman Homes Ltd

STRAIGHT HALF MILE
MARESFIELD
UCKFIELD
WEST SUSSEX

May 2019

Our Ref: HJOA/16-00969
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INTRODUCTION

1.1 On behalf of Portman Homes, Rapleys submitted representations to the Regulation 19 consultation of the Wealden Local Plan in October 2018. Those representations remain material, and should be given appropriate consideration by the Inspector as part of the Examination process.

1.2 In response to the Inspector’s published Issues and Questions specifically for the Examination Hearings (Stage 1), Portman Homes make the following additional comments. These seek to re-emphasise, in particular, the points made in the October 2018 representations, notably referencing new data, information and policy that has been published since.

1.3 For clarity, in these Hearing Statements all references to the NPPF relate to the 2012 version of that document unless otherwise stated. Reference to the revised NPPF published in July 2018 is abbreviated to NPPF2a. The version published February 2019 is abbreviated to NPPF2b. Reference to NPPF2a carries with it recognition that these sections are replicated without change in NPPF2b. Paragraphs are referenced with ‘§’ for ease.

1.4 Portman Homes is promoting land at Straight Half Mile, for which a planning application (ref: WD/2017/0694/MAO) has been pending since it was validated on 14 June 2017. The site is deliverable, and there is no good reason to refuse the application, or continue to hold in in abeyance. The application can contribute towards WDC’s housing supply, and should be approved without delay.
MATTER 1: LEGAL COMPLIANCE, INCLUDING DUTY TO CO-OPERATE

1. HAS THE PLAN BEEN PREPARED IN ACCORDANCE WITH THE RELEVANT ACT AND REGULATIONS

2.1 No. Natural England (NEng) is a prescribed body, as defined under the relevant Act and regulations, and Wealden District Council (WDC) have a legal obligation to co-operate with them. They have not fulfilled this obligation.

2.2 Failure to fulfil the Duty to Co-operate must lead to the non-adoption of the Plan, and its withdrawal from examination.

**Natural England’s status as a prescribed body.**

2.3 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) (hereafter the 2004 Act), states:

1) Each person who is—

   (a) a local planning authority,
   (b) a county council in England that is not a local planning authority, or
   (c) a body, or other person, that is prescribed or of a prescribed description,

   must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.

2.4 Within subsection 3 is included ‘the preparation of development plan documents’ and ‘the preparation of other local development documents’.

2.5 Within subsection 9, it states that a ‘person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description’.

2.6 In the Conservation of Habitats and Species Regulations 2017 (hereafter the 2017 Regulations), at Section 5(1)(a)(i) it identifies NEng as ‘the appropriate nature conservation body’ in relation to England.

2.7 Section 24 of the 2017 Regulations makes it clear that NEng are the appropriate conservation body with regard to Plans and projects likely to have a significant effect (alone or in combination) with other Plans and projects upon European sites:

2.8 From the above it may be concluded that:

   - WDC must co-operate with prescribed bodies under the Section 33A of the 2004 Act;
   - NEng is a prescribed body under the 2017 Regulations; and
   - WDC are legally obliged to co-operate with NEng.

**Consequences of failing to fulfil the Duty of Co-operate**

2.9 Subsections 7A, 7B and & 7C of Section 20 of the 2004 Act relate, inter alia, to the failure to fulfil the Duty to Co-operate. If the Plan does not meet the Duty to Co-operate in Section 33A, the Inspector must recommend non-adoption of the Plan.

**Co-operation between Wealden District Council and Natural England Ashdown Forest**

2.10 NEng have provided advice to WDC throughout the Plan-making process regarding the Ashdown Forest. In a letter dated 16 February 2018, NEng provided close an assessment of
WDC’s evidence base for the Ashdown Forest. This we reviewed in our Regulation 19 representations. There is disagreement between NEng and WDC over the role that the highway has on the air quality within the Ashdown Forest. NEng state that it is not a ‘statistically significant’ contributor; WDC consider it to be a principal factor. The evidence base that informs WDC’s HRA assessment makes several assumptions with regards to nitrogen deposition that NEng have repeatedly questioned, and that WDC have upheld despite the uncertainties raised by the appropriate nature conservation body.

2.11 The point at issue is not whether the Local Plan will (alone or in combination) have a significant effect on the Ashdown Forest: NEng have stated that, in their view, the WDC’s Local Plan is more than acceptable in this regard. The salient matter is that WDC have submitted evidence on the Ashdown Forest with which NEng have repeatedly voiced concern regarding its assumptions and its findings - concerns which WDC have all-but ignored when drawing up their development strategy. NEng contend that mitigation will not be required in the case of the Ashdown Forest, Lewes Downs or Pevensey Levels with regard to air quality, and have made it clear within their Regulation 19 representation that WDC will have to provide evidence that clearly shows:

- Mitigation is required; and
- Mitigation will be effective, reliable, timely, and sufficient to ensure the Plan’s soundness in this regard.

2.12 NEng consider mitigation to be unnecessary, but have stated that if mitigation were found to be required, the measures put forward in the Local Plan would be insufficient and fail to provide adequate certainty. An extract from their representation is below:

In our opinion, many of the measures proposed in Policies AF1 and AF2 are not specifically mitigation but the investigation, through monitoring, of what mitigation measures might be required. Other mitigation proposals are soft measures such as the introduction of electric vehicle charging points in new developments, the use of promotional material, and the provision and promotion of walking or cycling schemes, and electric transport. Whilst these are measures that may make some contribution to reducing background nitrogen loads, there is no evidence provided as to their efficacy or certainty as to their delivery.

2.13 In the event that WDC succeed in convincing NEng that mitigation is required, it remains that NEng do not consider the proposed mitigation is sufficient, and thus NEng will continue to declare the Plan is unsound.

AONB Allocations

2.14 More pressingly, NEng have commented, within their Regulation 19 representations, on the scale of allocated development in the AONB, and express disappointment at not having been consulted earlier. In particular, NEng objects to the allocation at Land South West of Ghyll Road Heathfield (RUGA2).

2.15 Both the refusal to account for NEng’s comments on air quality, and their objection to major development within the AONB have consequence. As drafted, the Local Plan gives rise to the following:

- Unnecessary restrictions on the level of development, which will compromise future growth within and around Wealden;
- Policy restrictions that are unjustifiably draconian, and which are likely to have a direct impact on growth within neighbouring authorities, and aggravate affordability within Wealden;
- A precedent for ignoring the advice of appropriate and prescribed authorities; and
• Development in the AONB which is likely to be resisted in strong terms by statutory consultees at application stage on landscape grounds, jeopardising the development strategy of the Plan itself.

2.16 In ignoring the advice and objections of NEng, WDC have failed to co-operate with an organisation with which co-operation is required by law. This lack of co-operation is sufficiently great so as to compromise the maximal effectiveness under which the preparation of the Local Plan should have proceeded. Section 33A of the 2004 Act has not been met, and the Plan must be recommended for non- adoption.

3. HAS ADEQUATE CONSULTATION BEEN CARRIED OUT?

2.17 No. As discussed above, WDC have failed to adequately consult with NEng (who state on p.7 of their Regulation 19 representation ‘We are disappointed not to have been consulted at an earlier stage on the local plan allocations as we would have welcomed the opportunity to discuss any concerns before this consultation period’).

2.18 Consultation has been inadequate, and Section 33A of the 2004 Act has not been met. The Plan must be recommended for non-adoption.


2.19 WDC have not fulfilled the Duty to Co-operate with the prescribed body NEng, who were not consulted on the proposed allocation of major development within the AONB, and who have consistently questioned WDC’s interpretation of their Air Quality Assessment findings.

2.20 Failure to fulfil this duty (discussed above) means that the Plan must be recommended for non-adoption.

18. WHAT ROLE HAS NATURAL ENGLAND PLAYED IN THE PRODUCTION OF THE HRA AND HOW HAS THE COUNCIL HAD DUE REGARD TO ITS PROFESSIONAL EXPERTISE AND ITS GUIDANCE? HAVE OTHER KEY STAKEHOLDERS BEEN CONSULTED?

2.21 WDC have displayed seemingly little regard to NEng’s professional expertise and guidance. NEng have written to WDC regarding the HRA at several points during the preparation of the Local Plan and the HRA. The following relates more precisely to those concerning Ashdown Forest. NEng have consistently questioned WDC’s interpretation of findings, and consider there to be no adverse impact on the Ashdown Forest, nor any need for mitigation, as a result of the Plan. Further, they have stated that the proposed mitigation (the need for which WDC will have to justify) is inadequate. NEng appear to have played little meaningful role in the production of the HRA.

20. IS THE PLAN, AS SUBMITTED, LIKELY TO HAVE A SIGNIFICANT EFFECT ON EUROPEAN SITES EITHER ALONE, OR IN COMBINATION WITH OTHER PLANS OR PROJECTS? HAVE THESE OTHER PLANS OR PROJECTS BEEN APPROPRIATELY IDENTIFIED?

2.22 No, for reasons that we expressed in our Regulation 19 representation. Not only this, but WDC have exaggerated the likely effect: there is little within the evidence base supporting
the HRA to justify the assessment of WDC. As stated by NEng, mitigation is not considered necessary. Policy requiring it should therefore be removed from the Plan. The housing requirement should be increased, given that there is no significant effect on European sites and this should therefore not restrict the level of housing development in the district.

23. ARE THE APPROPRIATE ASSESSMENTS CAPABLE OF ASCERTAINING THAT THE PLAN AS SUBMITTED WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE EUROPEAN SITES AND ITS QUALIFYING FEATURES, EITHER ALONE, OR IN COMBINATION?

2.23 The Appropriate Assessments establish that the Plan as submitted will not adversely affect the integrity of the Ashdown Forest, however comment on the finer reality of this is due.

2.24 The evidence base which supports the HRA (and, by extension, the Plan) make it clear that the impact on the Ashdown Forest will be far less than that indicated by the HRA and the Plan. This is a point that NEng have stressed repeatedly, and is addressed in our Regulation 19 representations.


2.25 The methodology used with regard the Ashdown Forest was bespoke, and far more detailed than required by regulations. However, it is informed by assumptions that are not accurate or appropriate. These are set out within our Regulation 19 representation.

2.26 The impact of vehicular movement on the level of nitrogen deposition within the Ashdown Forest has been exaggerated within the evidence base; so too has the effect of nitrogen deposition itself on the Forest. The conclusions which the HRA draws from its evidence base are not justified.

31. IS THE PLAN’S STRATEGY AND DISTRIBUTION OF DEVELOPMENT CONSISTENT WITH THE RECOMMENDATIONS OF THE HRA?

2.27 Yes, but the HRA is not consistent with the findings of the evidence base by which it is supported. This has been discussed above, in our earlier representations, and by NEng in their comments. The HRA is overly pessimistic with regard to the impact of traffic on nitrogen deposition as well as the impact of nitrogen deposition on the integrity of the Ashdown Forest. The Plan cannot therefore be found sound.

CONCLUDING COMMENTS

2.28 WDC have not fulfilled the Duty to Co-operate, and as such, the Plan is not sound. Not only this, but the evidence base regarding the impact of the Ashdown Forest make it clear, contrary to the conclusion drawn by WDC, that the impact of development on the Forest will not be significant.

2.29 Consideration should be given to appropriate sites for residential development, such as that at Straight Half Mile, and as such, the pending application at Straight Half Mile, which has
been held in abeyance on the grounds of impact on the Ashdown Forest, should be approved without any further delay.

Word Count: 1,958
3 MATTER 2: VISION AND OBJECTIVES AND LOCAL PLAN GROWTH

33. IS THE PLAN PERIOD EFFECTIVE, JUSTIFIED AND CONSISTENT WITH NATIONAL POLICY?

3.1 No, the plan period is not effective, justified or consistent with national policy.

3.2 NPPF §157 states that Local Plans should ‘be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date’. The intent of the time horizon is clarified by NPPF2a §22: ‘Strategic policies should look ahead over a minimum 15 year period from adoption’.

3.3 In their Local Development Scheme, WDC claim that the Plan will be adopted in 2019. Notwithstanding this overly ambitious timeframe for adoption, it will result in a period of only 09 years from adoption. This is evidently not consistent with the NPPF’s pursuit of an appropriate 15 year time horizon.

36. IS POLICY AF1 CONSISTENT WITH THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT AND NATIONAL POLICY? IS THE POLICY JUSTIFIED BY APPROPRIATE EVIDENCE TO SUGGEST THAT HARM TO ASHDOWN FOREST SPECIAL AREA OF CONSERVATION AND LEWES DOWNS SPECIAL AREA OF CONSERVATION WILL TAKE PLACE, IN THE ABSENCE OF MITIGATION, AS A RESULT OF THE ENVISAGED LEVEL OF LOCAL PLAN GROWTH, AND IN COMBINATION WITH OTHER PLANS AND PROJECTS?

3.4 No. Policy AF1 sets the following requirements:

- Development identified in the Plan may only be delivered when suitable mitigation measures for the Ashdown Forest is identified, and a delivery mechanism created by the Local Authority;
- Development in addition to that identified in this Plan will only be permitted if it can be concluded that the proposals will not adversely affect the integrity of Ashdown Forest owing to traffic movements beyond the 2014 baseline.

3.5 This is overly restrictive and simplistic for the following reasons:

- Mitigation is not considered necessary;
- A restriction of traffic movements beyond the 2014 baseline is overly constraining;
- The rate of emission, not the number of traffic movements, should be the metric of assessment.

3.6 We noted this in our earlier representations:

Policy AF1 sets the movements in 2014 as the baseline. This is over-protective. Rates of emissions from vehicles are predicted to fall, and even if one does not factor in the full rate of predicted reduction, development proposed within the Local Plan will cause a fall in nitrogen deposition within dry heath, and results in a rate that is well within the acceptable critical range. The focus on reducing vehicle movements against the 2014 baseline (and neglecting to focus on the rate of vehicular emissions, regardless of traffic levels) does not take into account the full confluence of factors. The approach is overly simplistic and protective. A more robust strategy that takes a more sensitive and comprehensive approach would be more appropriate. It also fails to note that the impact of vehicular traffic on the level of nitrogen has not been conclusively demonstrated. Objection is made to the reductivist approach in the policy regarding the focus on traffic movements, and the absence of any mention on the rate of vehicular emissions.
3.7 NPPF §15 states that policies in Local Plans should follow the approach of the presumption in favour of sustainable development, so that it is clear that development which is sustainable can be approved without delay. Policy AF1 is more protective than the evidence justifies, and its constraints serve to resist development that is, as defined within the NPPF, sustainable.

3.8 As highlighted above, and within our previous representations, this approach is not supported by an appropriate evidence base.

3.9 IS CRITERION A) OF POLICY AF1, CLEAR WHAT DEVELOPMENT WILL FALL WITHIN ITS REMIT AND HOW DEVELOPERS SHOULD SATISFY ITS REQUIREMENTS? IS THE POLICY INTERNALLY CONSISTENT IN HOW THE LEWES DOWNS SAC AND THE ASHDOWN FOREST SAC ARE TREATED? WHAT EVIDENCE IS THERE THAT THE HARM WOULD ENSUE WITHOUT MITIGATION, AND THAT THE MITIGATION MEASURES SET OUT WITHIN POLICY AF2 WOULD BE EFFECTIVE AND DIRECTLY RELATE TO THE PROPOSED DEVELOPMENT?

3.10 The need for mitigation is not supported by evidence - indeed, the evidence suggests that without mitigation, no harm would ensue. Criterion (a) of Policy AF1 states that development identified in the Plan may only be delivered when suitable mitigation measures for the Ashdown Forest is identified, and a delivery mechanism created by the Local Authority.

3.11 The evidence base that deals with the Ashdown Forest concludes, via the HRA, that mitigation is required. However, NEng considers that mitigation is not required, and our analysis of the evidence (included within earlier representations) draws the same conclusion.

3.12 The disagreement between the local planning authority and the appropriate nature conservation body could lead to a scenario in which WDC are objecting to development on land that they themselves allocated, whilst NEng is prepared to support it. This is manifestly not a sound basis for any development strategy.

3.13 ARE POLICIES EA1 - EA3 PREDICATED ON ROBUST EVIDENCE IN TERMS OF IMPACTS AND PROPOSED MITIGATION?

3.14 No. Policy EA2 relates to the Ashdown Forest. It states:
- Development will only be permitted if it can be concluded that there will be no likely adverse effect; and
- New accommodation likely to have a significant effect must demonstrate that adverse impacts can be avoided/mitigated.

3.15 As discussed above, there is disagreement between NEng and WDC regarding both the likely adverse effect on the Ashdown Forest, and the need for mitigation. This uncertainty makes it difficult to establish how ‘no likely adverse impact’ will be understood, as well as how the demonstration of mitigation will be identified. In the context of the Local Plan, NEng believe that mitigation is not required, but that - if it was - the mitigation proposed in the Local Plan would be insufficient; WDC believe that mitigation is required, and that their proposed mitigation strategy is acceptable. Such a scenario leaves open the possibility that NEng and WDC are unable to agree about development proposals, as outlined in response to question 38 above.
CONCLUDING COMMENTS

3.15 Upon examination, the evidence base that WDC has prepared does not support the conclusions that the Council draws from it. The impact of development on the Ashdown Forest has been overstated, and development within the Ashdown Forest should not be subject to such unnecessarily stringent requirements.

3.16 The application at Straight Half Mile, which has been held in abeyance on account of the Ashdown Forest issue, should be approved without delay, as there is clearly no reason to refuse it on grounds of impacting upon the SAC.

Word Count: 1,103
MATTER 3: OBJECTIVELY ASSESSED NEEDS FOR HOUSING

48. DOES THE PLAN PERIOD COVER AN APPROPRIATE TIME FRAME FOR THE PROVISION OF HOUSING (2013-2028), AND IS IT CONSISTENT WITH NATIONAL POLICY? SHOULD IT BE EXTENDED. IF SO, WHY? WHY IS A DIFFERENT TIME PERIOD CHOSEN TO THAT SET FOR EMPLOYMENT AND RETAIL MATTERS?

4.1 For the reasons discussed in response to question 33, the timeframe is not appropriate.

51. SHOULD THE RECENTLY PUBLISHED 2016-BASED HOUSEHOLD PROJECTIONS BE TAKEN INTO ACCOUNT IN SETTING THE OAHN? IF SO, WHAT WOULD BE THE CONSEQUENTIAL?

4.2 A revision to the Planning Practice Guidance (PPG) 20 February 2019 stated that the 2016-based household projections (2016-BHP) were not to be used as part for the Standard Methodology (SM). However, as WDC submitted their Plan within the implementation window allowed by NPPF2a §214, it is subject neither to the Standard Methodology, nor to any other requirements which do not appear within NPPF1 and related legislation/guidance.

4.3 The 2016-BHP may, therefore, be used if WDC consider it appropriate. However, special consideration of the figures is required.

4.4 In order to understand the matter in detail, it is necessary to distinguish between a household and a dwelling (and, concurrently, the difference between household projections and assessments of housing need):

- A household is formed upon the occupation by one or more person(s) of a residential unit;
- A house is a structure within residential (C3) use. A single house may contain more than one household. Houses may be subdivided in order to accommodate multiple households (e.g. HMOs).

4.5 It is on partial account of this distinction that household projections cannot be seen as illustrating housing need directly. The number of households formed is constrained to various degrees by the number of houses that are available to occupy.

4.6 The household formation rate is lower in the 2016-BPH than the previous figures (the 2014-BHP). This is for several reasons that have their root in methodological differences employed by the Office of National Statistics (ONS):

- The ONS presumed (based of different rates of birth and death) that the population will be 1.5 million people lower in 2036 than previously thought.
- The ONS took two historic points as a baseline: 2001 and 2011. The previous projections used figures extending back to 1971. The new timeframe - by virtue of the economic crisis - includes a steep fall in housebuilding, and an increase in rates of household sub- and com-pression. By using such an exceptional period against which to base future growth, the projections have skewed downwards by anticipating a continuation of trends which government policy is actively seeking to resist and undo.

4.7 The fall in projected housing growth is not, therefore, a sign that the level of housing need has fallen, but is the result of changes in the methodological process by which the formation projections are calculated.

4.8 If the 2016-BHP are to be used, therefore, it needs to be supported by a robust methodology that takes into consideration the reasons why the projection rates are lower, and must not simply transpose a methodology used for the 2014-BHP across without change.

4.9 A consequence of using the 2016-BHP without amending the methodology in recognition of the difference underlying the statistical information would lead to a lower housing requirement that would fail to take account of the level of housing need within WDC.
52. IS THE OAHN FIGURE OF 950 DWELLINGS PER ANNUM, ROBUST AND JUSTIFIED? DOES IT TAKE INTO ACCOUNT APPROPRIATE MARKET SIGNALS, HOUSEHOLD SIZE AND HOUSEHOLD FORMATION, FORECAST JOBS GROWTH AND THE NEED FOR ADEQUATE LEVELS OF AFFORDABLE HOUSING TO BE PROVIDED?

4.10 The figure is neither robust nor justified. It does not take appropriate consideration of market signals or household formation, and neglects to account for the substantial shortfall that has accrued since the start of the Plan period.

Market Signals

4.11 At the simplest level of reduction, the SHMA takes the baseline rate of household formation and applies an uplift of 10% for market signals. This is not considered adequate.

4.12 A helpful precedent is Milton Keynes, who adopted its Plan earlier in 2019. The authority also proposed an uplift of 10% for market signals. The Inspector’s Report provided the following comment:

A notable amount of work has been undertaken to benchmark Milton Keynes against other examined local plans over the past 2 years in the wider south-east of England. The 10% figure proposed sits well within the range of uplifts within other South-East Plans dealing with broadly comparable affordability pressures.

4.13 WDC is not dealing with a comparable affordability pressure: their circumstances are far worse, this is shown in the table below, which shows the average house price earnings. As a benchmark, the Government set a target ratio of 4 in their SM guidance (i.e. the median average house costs four times the median average local wage).

4.14 As of 2018, the ratio in WDC is 11.91, which is substantially higher than the target of 4, and significantly higher than the ration in Milton Keynes (8.81). It is also appreciably higher than the regional average (10.81).

4.15 Taking this in view, the uplift should, at the least, be modified to 15% to account for market signals. This provides a target of approximately 1,010 dpa, and takes better account of market signals within WDC.

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Wealden’s rate of housing completions has fallen well below the requirement since the start of the Plan period (2013). The table below shows the rate of completions, set against the OAN figure of 950, and the revised figure of 1,010. It also includes the rate of household formation. These are households which are projected to have formed within WDC.
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<tr>
<td><strong>Revised OAN</strong></td>
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Source: ONS, MHCLG

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4.17 Based on the calculations above, which have used figures published by the Government and the ONS, WDC already have a shortfall of 2,370 units against their own OAN since the start of the Plan period. Using a revised OAN of 1,010 units to take more appropriate consideration of market signals, the shortfall is 2,620 units.

4.18 It is also crucial to note that, in the past five years, around 2,000 households have formed in excess of the number of dwellings completed. This is indicative of a high level of household compression and suppression, a factor that also needs to be borne in mind when reviewing the appropriate housing figure.

4.19 WDC have underdelivery consistently and considerably - the situation is in need of urgent remedy, and WDC must include this shortfall within their housing target.

4.20 The table below takes the shortfall into consideration for both the OAN figure of 950, and the revised OAN of 1,010 using both the Sedgefield and Liverpool method of distribution.
In our view, considering the scale of the shortfall, and the pressing need to address the level of household compression within the district, the Sedgefield method of applying the shortfall should be applied.

The figure of 950 dwellings per annum (dpa) is neither robust nor justified. It does not take appropriate consideration of market signals or household formation, and neglects to account for the substantial shortfall that has accrued since the start of the Plan period. It should be amended to the Revised OAN (Sedgefield) figure below.

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
</tr>
</thead>
<tbody>
<tr>
<td>OAN Sedgefield</td>
<td>1,424</td>
<td>1,424</td>
<td>1,424</td>
<td>1,424</td>
<td>1,424</td>
<td>950</td>
<td>950</td>
<td>950</td>
<td>950</td>
<td>950</td>
</tr>
<tr>
<td>Revised OAN Sedgefield</td>
<td>1,544</td>
<td>1,544</td>
<td>1,544</td>
<td>1,544</td>
<td>1,544</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>OAN Liverpool</td>
<td>1,187</td>
<td>1,187</td>
<td>1,187</td>
<td>1,187</td>
<td>1,187</td>
<td>1,187</td>
<td>1,187</td>
<td>1,187</td>
<td>1,187</td>
<td>1,187</td>
</tr>
<tr>
<td>Revised OAN Liverpool</td>
<td>1,277</td>
<td>1,277</td>
<td>1,277</td>
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<td>1,277</td>
<td>1,277</td>
<td>1,277</td>
<td>1,277</td>
</tr>
</tbody>
</table>

**54. IS THE LEVEL OF HOUSING PLANNED APPROPRIATE? SHOULD IT BE INCREASED OR DECREASED? IF SO, TO WHAT LEVEL AND ON WHAT BASIS?**

Based on the calculations above, the housing target is clearly inadequate. It should be revised as follows:

- An OAN of 1,544 dpa up to 2023 (assuming the Plan is adopted in 2019); then
- An OAN of 1,000 dpa thereafter (assuming the shortfall is addressed in full by this point).

**CONCLUDING COMMENTS**

WDC have significantly under-calculated their housing requirement, and desperately need to boost the identified supply of land to account for this. The pending application at Straight Half Mile should be approved in order to address - in part - the significant problems of delivery and need within WDC.

Word Count: 1,467
5

MATTER 4: SUPPLY OF HOUSING

58. IS RELIANCE ON THE SCALE OF WINDFALL HOUSING PREDICATED WITHIN THE LP BEING DELIVERED, REALISTIC, JUSTIFIED AND CONSISTENT WITH NATIONAL POLICY? IN PARTICULAR, HOW HAVE THE CORE AREAS BEEN DETERMINED? HOW DOES THE PROJECTED CONTRIBUTION FROM WINDFALL HOUSING COMPARE WITH RECENT HOUSING DELIVERY? IS IT APPROPRIATE TO RELY TO SUCH AN EXTENT ON WINDFALL HOUSING RATHER THAN THE ALLOCATION OF HOUSING SITES WITHIN A PLAN LED SYSTEM?

5.1 The degree of reliance upon windfall housing is not realistic, nor is it consistent with national policy.

5.2 The Plan states a windfall allowance of 2,516 dwellings. This is equal to over 2.5 years worth of housing at WDC’s stated annual requirement of 950 dwellings. Across the Plan period from 2019-2028, it comes to 280 dpa. When set against historic delivery, the proposed windfall would equate to the following percentages of overall completions:

<table>
<thead>
<tr>
<th>Year</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completions</td>
<td>670</td>
<td>550</td>
<td>340</td>
<td>330</td>
<td>490</td>
</tr>
<tr>
<td>Proposed windfall as a % of historic completions</td>
<td>41.8%</td>
<td>50.9%</td>
<td>82.4%</td>
<td>84.8%</td>
<td>57.1%</td>
</tr>
</tbody>
</table>

5.3 Against the proposed OAN of 950 dpa, a windfall of 280 dwellings would equate to 29.5%.

5.4 It is wholly inappropriate to identify a windfall that equates to an average of 59.6% of the total delivery across the five years, and which is roundly one third of the started (and inadequate) housing target within the Plan.

CONCLUDING COMMENTS

5.5 More housing land needs to be identified, and this should include the land at Straight Half Mile, for which a planning application has been pending since June 2017. Aside from any other consideration, the length of time during which the local authority has held the application in abeyance makes it clear that a windfall delivery of 280 dpa is profoundly unlikely. The application should be approved, and planning permission granted. The site is deliverable, and can contribute to WDC’s housing requirement in the immediate term.

Word Count: 311
CONCLUSION

6.1 The purpose of a Plan-led system is to identify and allocate land in a clear and ordered fashion so as to accommodate the correctly identified needs of an area over an appropriate timescale, and in accordance with the findings of a suitably robust evidence base. In areas such as Wealden, environmental concerns - such as the potential impact of development on protected European sites and the AONB - should be included within the preparation of a strategy. There is a balance to be struck between impact and need. Understanding these and other considerations should be facilitated by co-operation with relevant bodies and authorities. Above all, Plans should promote the presumption in favour of sustainable development.

6.2 WDC’s Local Plan demonstrates none of these principles:

- The Duty to Co-operate has not been met with regard to engagement with NEng;
- The special significance of the AONB has been ignored, and major development has been allocated within the area;
- The impact of development upon the Ashdown Forest has been exaggerated;
- The proposed (and unnecessary) mitigation measures are inadequate;
- The timeline is not appropriate;
- Unnecessarily restrictive policies go against the principle of the presumption in favour of sustainable development;
- The housing needs of the district have been under-calculated;
- The housing shortfall since the start of the Plan period has been ignored; and
- The contribution of windfall to the supply of housing land is unrealistically and inappropriately high.

6.3 Some of the above can be addressed through proposed modifications - for example through additional housing allocations in appropriate locations such as Straight Half Mile. Other more fundamental issues of soundness, or compliance with the NPPF cannot be addressed through modification. The failure to co-operate with NEng leads without qualification to the conclusion that the Plan must be recommended for non-adoption.

6.4 Considering the scale of the other issues identified above, the Plan should be withdrawn from examination any, so that the authority can prepare a properly robust evidence base, and develop its strategy in accordance with its findings.

6.5 Our client is promoting land at Straight Half Mile, on which a planning application has been pending since June 2017. This application should be approved, and planning permission granted.

Word Count: 362 words