Question 33

Is the plan period effective, justified and consistent with national policy?

Effective

1. In accordance with the NPPF, in order to be effective, the plan should be deliverable over its period. The primary difficulty with that premise in this case is that the plan period is effectively only 9 years (assuming adoption of the plan late in 2019). The first six years of the plan will already have been delivered by the date of adoption, but that delivery cannot, of course, have been in accordance with the plan, since the plan did not exist. The question therefore is whether the plan can deliver the development it proposes in the final nine years.

2. By any measure, however, the plan is not effective on that basis, and one only needs to consider the terms of the plan itself to confirm that. The level of uncertainty with infrastructure provision, for instance, is such that Local Plan Policies WLP12 and particularly WLP 13 amply emphasise the potential for non-delivery of housing as a result of a number of factors presently beyond the council’s control. At the same time the plan proposes a significant increase in housing completions from the point at which it is likely it would be adopted (as shown by the ‘stepped approach’ to housing delivery shown on the housing trajectory [Doc A1, figure 3, page 71]).

3. The short time frame of the plan, coupled with its fractured approach to infrastructure, results in a degree of unsoundness that it is difficult to see could be overcome, even with major modifications to the plan, without profoundly changing its nature and approach.

Justified

4. It is difficult to ascertain from the Submission Plan, Background Papers or Evidence Base why the plan period runs from 2013 to 2028. There is reference in the report to the council’s Local Plan Sub-Committee on Thursday, 5th July, 2018 (Doc B39, Section 17/3, 2nd paragraph) to a ‘briefing note’ apparently tabled by the planning officer at the meeting (Ms Brigginshaw) setting out the key scenarios which had been tested as part of the plan preparation process. All three scenarios apparently ran from 2013, without explanation.

5. The three scenarios were: around 21,000 homes up to 2037 (875 per annum), 14,101 homes up to 2028 (940 per annum) and 11,456 up to 2028 (763 per annum). By reducing the numbers of homes in the Plan to 11,456 up to 2028 and locating development primarily in the south of Wealden, it was stated it would be possible to reduce the impact on the SAC. As it is, the plan now provides for 14250 dwellings to 2028, a figure of 950 per annum. It is unclear therefore why the plan period should not be longer, or cover a different 15-year period, unless the council is alleging that there is
a finite number of dwellings that can be achieved in the District, and that there can be no further
development at all beyond 2028 (which would be a bizarre stance to take).

Consistency of the plan period with national policy

6. NPPF 2012 contains a number of requirements for local plans at paragraph 157. The most important
of those on the present context is that they 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 plan does not have a 15-year horizon. The horizon will be only nine years from adoption of the
plan, assuming it is adopted in 2019. It does not, therefore, take account of longer-term
requirements; it only proposes development up to the nine-year end date.