Gladman Developments Ltd
Matter 2 Hearing Statement
Wealden Local Plan Examination

Vision and Objectives and Local Plan Growth

GLADMAN

May 2019
Question 33: Is the Plan period effective, justified and consistent with national policy?

1.1 The Wealden Local Plan is dated 2013-2028 its entire life is therefore only 15 years. The NPPF (2012)\(^1\) states that Local Plans should be drawn up over an appropriate time scale, preferably a 15 year time horizons. In the instance of this Local Plan given that adoption of the plan, even with a speedy examination, is not likely until the end of 2019 the likely life span of the plan post adoption will be circa 8 years. Whilst the NPPF (2012) does not specially consider this to be unsound it does raise concerns as to whether the long-term needs of Wealden are being properly and effectively planned for.

1.2 As referenced in our Matter 1 statement Gladman consider that without this plan there is a very real risk that the Council will revert to a position of a defacto housing moratorium because of the position it takes with regard to impact on the Ashdown Forest. Whilst therefore the lifespan of the plan is considered short, this could be mitigated against by inserting a review policy, which it is noted exists in part in the emerging plan in WLP13 that sets out various scenarios that would trigger a local plan review. Whilst supporting the scenarios that would trigger a review, we considers that WLP 13 does not go far enough to remedying plan deficiencies and should be subject to main modifications to ensure that a review commences immediately post adoption and that a clear and realistic timeline is outlined for when the plan review should be submitted for examination. The review should consider aspects such as the impact of the Standard Methodology, the need to extend the plan period and the development needs associated with that as well as any potential changes to mitigation needs relating to HRA issues. The Council should also provide guidance on decision making to ensure a defacto housing moratorium does not occur in the future.

Question 35: Is a simple reading of policy AF1, that all development, irrespective of whether it is included within the list of categories set out in footnote 14 of the LP, or where it is located within the Plan area, is reliant on the action of the LPA? Does this raise any risk to the delivery of development within the Plan? Would development be dependent on the delivery mechanism being created or implemented?

1.3 Yes. Policy AF1 is relied upon by other policies in the plan and thus is a core policy that must be met before development would be allowed to proceed. Development is dependent on both policy AF1 and AF2, however this is a considerable improvement on the previous situation whereby before the ‘roof tax’ style tariff was adopted all development which generated additional impact was in effect the subject of moratorium within Wealden.

1.4 Given this, the policy in order to be sound should be the subject of main modifications. Gladman would suggest it will only be effective if framed in a positive tone. For example, rather than state ‘Development identified in this plan may only be delivered…” substitute ‘may’ for ‘will’. Then, rather than caveat the policy with a general when suitable mitigation measures… are identified replace this with a more affirmative, “in accordance with mitigation measures identified in Policy AF2”.

\(^1\)Para 157
planned development. It should therefore be assumed that appropriate mitigation can be brought forward. If it cannot, then the WLP is ineffective and unsound.

**Question 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?

1.5 If the HRA prepared by the Council is correct then yes the policy is required to allow development to move forward within Wealden, if the position of Natural England is favoured then the policy should be deleted along with AF2 and replaced with separate policies that provide measures to reduce transport emissions in the District.

**Question 37:** How will the delivery mechanism work? Who is responsible for it? How does it mitigate any adverse impacts, and is there a clear direct link between development and mitigation on a pro rata basis? Should there be one? Is there a difference between the mitigation required for development already identified within the Plan and development which is in addition to that which has already been considered within the Plan’s HRA?

1.6 Gladman would welcome further clarity on the Council’s approach to Policy AF2 as it considers it is currently unsound as it has not been fully justified. In providing these comments Gladman has noted that Natural England adopt a different position to WDC on the effect of development on Natura 2000 sites. Specifically, in their regulation 19 representations Natural England find that the emerging Plan will not adversely affect the integrity of Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and Pevensey Levels SAC and Ramsar from air quality impacts and that this conclusion can be reached without reliance on the mitigation measures proposed through Policy AF2. Natural England also state that if WDC decide to depart from their advice and consider that mitigation is required, it would be necessary for the council to demonstrate that the mitigation will be effective and there is sufficient certainty as to its delivery.

1.7 Gladman would also query the approach that Policy AF2 takes toward non-allocated development. As noted in the opening sentence of AF2, it intends to limit the need to pay a final contribution to only development that is identified in the plan. However, as contributions will be used to deliver the air quality mitigation measures that the Council have found are required to improve air quality and by consequence the condition of Natura 2000 sites, it would be logical to expect all development to pay these contributions. In following this approach it would also align Policy AF2 with Policy EA2 – Ashdown Forest Special Protection Area, which requires any proposal that results in a net increase in residential development to pay towards to the provision and maintenance of Strategic Suitable Alternative Natural Green spaces and the Strategic Access Management and Monitoring Strategy.

**Question 39:** What would be the impact on development viability of the proposed financial obligations set out in the Air Quality Mitigation – Interim Mitigation Strategy Tariff Guidance for Residential Dwellings and Business Development?
1.8 Gladman note that policy AF2 will provide measures of air mitigation which will be supported by a financial contribution of circa £2,600 per dwelling. The Council commissioned an update to its viability study in December 2018, which appears to show that this has now been factored into the viability assessment without impacting overall site or plan viability\(^2\). Given this is an additional cost Gladman would wish the Council to be flexible in its approach to other viability factors should a need to reconsider a sites viability occur during the determination of an application for a site in Wealden.

**Question 41:** Specifically, how would such measures set out in Policy AF2 be differentiated from other strategies, good practice, and the wider principles of sustainable development consistent with core planning principles of the Framework?

1.9 If the mitigation policy contained within AF2 is not deemed to be required to deal with the issues set out in AF1 or if the HRA issues and required mitigation are not needed as considered by the HRA then a number of the principles within AF2 could form separate and distinct stand-alone development management policies. For example the provision of electric car charging points as required in (e).

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\(^2\) Para 2.4 – A34 – Wealden Local Plan Viability Study Update (December 2018)