Examination of the Wealden Local Plan

Statement on behalf of Martin Grant Homes Ltd
(Respondent: 1186155 and 1186163)

Matter 2 – Vision and Objectives and Local Plan Growth

May 2019
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Client
Martin Grant Homes Ltd

Our reference
MARW3010

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1. Introduction

1.1 This statement is submitted on behalf of Martin Grant Homes Ltd for purposes of the Examination of the Wealden Local Plan (2019).

1.2 The statement responds to the Inspectors’ Issues and Questions for Matter 2: Vision and Objectives and Local Plan Growth. Specifically, the spatial vision questions attributed to Issue 1.

1.3 This follows representations from our client to Wealden District Council’s (WDC) Proposed Submission Version Local Plan consultation (Regulation 19) in October 2018.
2. Response to Issues and Questions for Matter 2

**Issue 1: Whether the Spatial Vision for Wealden is justified, effective, consistent with national policy and positively prepared?**

**Question 32 – Are the key local plan objectives which have been identified relevant; justified; and consistent with National Policy?**

2.1 The Submitted Plan’s Spatial Objective 1 – Housing, seeks to quantify and distribute sufficient housing to meet the needs of the District. However, as set out in our Statement to Matter 3 and 4, we contend the Council has not planned for sufficient housing for the district or at Uckfield to meet the ‘Positively Prepared’ test of soundness in NPPF (Paragraph 182, DCLG, 2012). The Local Plan has equally not been drawn up over an appropriate timescale, as it covers a period less than 10-years from anticipated adoption, contrary to paragraph 47 of NPPF (2012), and far less than the preferred 15-year time horizon at paragraph 157 of NPPF (2012).

2.2 It is contended the Council should have assessed an OAN district housing requirement of 17,600 homes between 2013 and 2029\(^1\), or preferably 23,100\(^2\) to accord with paragraph 157 of NPPF (2012). This would be between 3,372 and 8,872 homes higher than that submitted with the plan. This is without assessing the contribution the LPA could make to unmet needs from adjacent LPAs, which we contend (see Statement to Matter 1) the LPA has not sufficiently assessed or factored into the overall OAN figure, contrary to the ‘Positively Prepared’ test of soundness in NPPF.

2.3 In addition, the Local Plan does not propose any new green field housing allocations at Uckfield, which comprises one of the largest and most sustainable settlements in the district. One that is arguably likely to become more sustainable as a result of the local plans proposals to reinstate and upgrade the Lewes to Uckfield train line amongst other measures (Draft Local Plan Policy AF2); and bolster its retail offer (Policy RUGA 15). Both of which are likely to prove attractive to employers and employees. When compared with other parishes, Uckfield is planned to make a disproportionately smaller contribution towards future housing supply than the parishes of Westham (1,665 homes) and Hailsham/Hellingly (5,357). The latter would alone accommodate 38\% of planned housing supply in Wealden (2013-2028) based on the strategy proposed in the draft Plan, having been identified as the location for more than half (60\%) of the homes that could be delivered through new allocations [2,320 of total allocations of 3,823 (Housing Background Paper, WDC, January 2019)] in the district. This is a significant proportion of the plans growth.

2.4 Yet the delivery of this relies on as yet unproven water discharge capacity at Hailsham North and Hailsham South Waste Water Treatment Works (Draft Local Plan paragraph 6.35 and Policy WLP 13). The lack of alternative or contingency options is evident at Policy WLP 13, which relies on a review of the local plan to address such matters should they become evident. This, compounded with the fact the plan is already

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\(^1\) To achieve a minimum of 10-years post anticipated adoption date for the Local Plan under para.47 of NPPF (2012)

\(^2\) To achieve preferred timeframe of 15-years post anticipated adoption date for the Local Plan
planning for less than 10 years of growth from adoption, represents a serious flaw in the plan in our opinion. The delays associated with waiting for an unenforceable and as yet unknown review date to address such unmet needs would only exacerbate and compound the delays meeting evidenced and mounting needs for housing and infrastructure.

2.5 As set out in our Statement to Matter 3, we contend there is evidence to support the assessment of an additional 275 to 1,065 homes at Uckfield, depending on whether a 10 or 15 year horizon post anticipated adoption period is taken; and Uckfield making a greater contribution to meeting such additional district housing needs over this extended period.

2.6 We also contend, that in the interests of good planning, that a 15 year post adoption period would seem most prudent, particularly given NPPF (2018) paragraph 22 (under which a fresh plan would be guided) states ‘strategic policies should look ahead over a minimum 15 year period from adoption’.

2.7 It is apparent from reading Policy WLP13 and proceeding paragraphs 6.35-6.37, that the Council’s assertion in policy WLP1 that ‘14,228 dwellings will be delivered between 2013 and 2028’ (our emphasis) is perhaps overly optimistic at best. It is therefore surprising the Council have not sought to explore alternative growth options to instil such certainty and contingency allowances, including the consideration of further growth around one of the largest towns in the district – Uckfield. Our clients contends further growth is justified around Uckfield in this context, with a suitable site for at around 240 homes available and achievable north of Bird in Eye Hill to help meet a proportion of such needs. Our client’s site is well located and suited to development, as the Council’s SHELAA acknowledges. Further details in support of the suitability of this site were submitted with our representations to the Regulation 19 consultation, which we are content to rely upon in the interests of brevity.

2.8 Hence the LPA has not in our view provided sufficient evidence to support either a lower OAN figure than evidence indicates, zero net additional green field growth at Uckfield, nor less than the required 10 year, preferably 15 –year plan period post adoption. It is also difficult to deduce the Council’s justification to allocate land in the AoNB, at the expense of less constrained options deemed suitable by the Council in their SHELAA around Uckfield. The lack of alternative option testing and contingency built in over such time horizons is also evident through the Sustainability Appraisal accompanying the plan.

2.9 Turley Sustainability has undertaken a critique of the Sustainability Appraisal (SA) accompanying the Local Plan (see Matter 1 Statement), which concludes the SA does not provide sufficient evidence the Local Plan strategy is ‘the most appropriate strategy, when considered against the reasonable alternatives’[para. 182, NPPF (2012)]; and accordingly does not meet the ‘Justified’ test of soundness in NPPF.

2.10 Given the timescales required to complete and consult on such matters, it would be prudent to assess and comply with NPPF (2018) in drafting. We contend this would be

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4 The subject of unresolved objections from Natural England [Page 723, Habitat Regulations Assessment (WDC, January 2019)]
time well spent putting the plan right and providing for the homes and infrastructure the district needs at the outset for at least 15 years post adoption (para. 22 NPPF, 2018), rather than allowing an unsound plan to proceed in order to meet the NPPF transition deadlines, with the promise of a review at some point in the future; by which time unmet housing needs will have mounted yet further and opportunities to plan for the timely delivery of infrastructure to support this delayed even further.

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

2.11 As outlined above, we contend the Local Plan has not been drawn up over an appropriate timescale, as it covers a period less than 10-years from anticipated adoption, contrary to paragraph 47 of NPPF (2012), and far less than the preferred 15-year time horizon at paragraph 157 of NPPF (2012). As also set out in our Statements to Matters 1, 3 and 4, this has precluded WDC from effectively planning for and delivering an appropriate amount and distribution of growth and infrastructure to meet the districts needs over an appropriate strategic period. This fails in our view to accord with the positively prepared, justified or effective tests of soundness in the Framework.

2.12 The consequences of which are evident. Firstly, WDC are unable at this time to assess their ability or otherwise to contribute to meeting the unmet housing requirements of adjoining LPAs such as Eastbourne. This is contrary to the Positively Prepared and Effective tests of soundness and forms part of the unresolved Duty to Co-operate objection from Eastbourne District Council.

2.13 WDC are instead forced to rely on an unenforceable interim review policy (Policy WLP13) to address such matters at a later un-prescribed date. The window for the forward planning of necessary infrastructure is deferred and the unmet need for growth consequently mounts, with associated social and economic implications, including for those in significant need of affordable housing at present.

2.14 Secondly, in failing to plan and assess the implications of sufficient growth and its distribution for the requisite prescribed period in the Framework, it is hard to conclude the Local Plan strategy is ‘the most appropriate strategy, when considered against the reasonable alternatives’ (Paragraph 182 of the Framework). One such alternative must surely have been to plan for the minimum of 10 years, preferably 15. Insufficient evidence has been put forward by WDC to justify why an interim lower plan period is appropriate, other than to enable the submission of the plan before the Frameworks 24th January 2019 transition period deadline.

2.15 We would respectfully suggest the most appropriate course of action to remedy these soundness matters, would be to recommend withdrawal of the plan. A new plan period for a minimum of 15 years post adoption should be set, enabling appropriate growth to be deduced and assessed in liaison with adjoining LPAs to arrive at an appropriate, robust and deliverable strategy that can endure and form the basis of key planning and funding decisions, one that does not need immediate review post adoption.
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?

2.16 As outlined in our Statements above and for Matters 1 and 3, we contend WDC should re-assess the context for this policy in light of a re-based plan period for a minimum of 10 years, preferably 15 years. Natural England responded to the WDC Local Plan Regulation 19 consultation in their letter of 5th October 20185. In their letter, Natural England concluded the Local Plan as drafted would not adversely affect the integrity of the Ashdown Forest SAC, Lewes Downs SAC, Pevensey Levels SAC and Ramsar; and that this conclusion could be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. This may, in our view, indicate the potential in principle for headroom for WDC to accommodate further growth, alongside mitigation, which ought to be explored before WDC conclude they cannot accommodate additional housing needs from within and adjoining the authority.

2.17 WDC have instead sought to retrospectively commission additional evidence to support departing from this advice, which seeks to place lesser weight on a reduction in vehicle emissions arising, or speed by which these will arise from a shift in government policy towards cleaner vehicles. No doubt this will be keenly debated at the Examination session on HRA matters. However, fundamentally, WDC does not assess the implications for an appropriate OAN for housing over an appropriate plan period in our opinion. Therefore the conclusions of all of this seem academic. The true need for housing (including potential to address unmet needs from adjoining LPAs) over an appropriate plan period should have formed the basis of earlier discussions with Natural England and the Duty to Co-operate bodies. This would have enabled all parties to effectively contribute to and sign up to a Memorandum of Understanding over the quantum of growth (including ability to address unmet needs between the LPAs), the plan period, evidenced impacts and effective and deliverable mitigation.

2.18 The Duty to Co-operate bodies have instead been denied the opportunity to cooperate effectively to put plans in place that ‘provide the land and infrastructure necessary to support current and projected future levels of development.’ [Paragraph 181 of the Framework (our emphasis)]. It is also why we suspect, despite WDC retrospective attempts to convince them otherwise, there remains unresolved Duty to Co-operate objections to the Regulation 19 Local Plan consultation from five of the Duty to Co-operate bodies6. This includes Eastbourne Borough Councils request for the Wealden Local Plan to be halted and started a fresh with an appropriate longer time frame. A point we concur with for the reasons outlined in the preceding paragraphs.

WDC continue to seek to defer consideration of such key issues to a later (unenforceable) review, partly we suspect, as to do so now would presumably have jeopardised submitting the plan by the 24th January. This is not in our view a plan that

5 Page 723, Habitat Regulations Assessment (WDC, January 2019)
6 Paragraph 7.3 of the Duty to Co-operate Background Paper (WDC, January 2019)
is Positively Prepared (paragraph 182 of the Framework), nor has it been forged through effective co-operation, or one sufficient to discharge WDC’s duty to cooperate under the Framework (paragraphs 178-181 of the Framework). The Local Plan should be withdrawn and reframed to address an appropriate plan period, preferably 15 years; with appropriate assessments and effective collaboration undertaken to deduce the appropriate level of sustainable development for this period.

- End –
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