Wealden District Council Local Plan Examination
Matter 3: Objectively Assessed Needs for Housing & Employment Land

On behalf of Mr William Fattal

May 2019
DHA/13308
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Wealden District Council – Regulation 19 Representation on behalf of William Fattal (Matter 3)
Ref: DHA/JB/JAT/Q6609

Introduction

1.1 Purpose of this statement

1.1.1 These comments are prepared on behalf of Mr William Fattal in respect of the Wealden District Council Local Plan Examination. They respond to the Matters and Issues Paper Stage 1 (Matter 3) key questions set by the Inspector on 9th April 2019.

1.1.2 Mr Fattal is promoting land adjacent to Jonas Drive, in the Durgates area of Wadhurst (Wealden SHELAA reference: 58/3330) and has numerous interests in respect of the emerging plan. Nonetheless, the comments contained herewith relate to matters of a strategic nature that go to the heart of soundness and legal compliance in line with the initial questions posed by the Inspector. Site specific comments will be added should the Examination proceed to stage 2 detail in due course.

1.1.3 In formulating these comments, we acknowledge that the Government published a revised National Planning Policy Framework in February 2019 but that because the Council chose to submit its Local Plan for examination before 24th January 2019 the policies in the original 2012 framework apply to this Examination. On this basis, any reference to the NPPF relates to the 2012 publication and to be “sound” it must be:

• Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

• Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

• Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

• Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

1.1.4 In formulating this response, we have addressed the Inspector’s questions directly and recapped our Regulation 19 concerns. Given many of questions are directed specifically to the Local Planning Authority, our responses have been limited to only those matters relevant to our client’s Regulation 19 response.

1.1.5 Our client will confirm in due course as to whether he wishes for us to participate in the oral sessions of the Examination.
Matter 3: Objectively Assessed Needs for Housing & Employment Land

1.2 Issue 1: Whether the Council’s approach to calculating its full, objectively assessed needs is justified, based on up-to-date and reliable evidence, effective, positively prepared, and consistent with national policy?

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?

1.2.1 As set out above, the Council seeks to allocate land to accommodate 14,228 new homes for the period 2013 to 2028.

1.2.2 Whilst the nature of the plan-making process means it is not uncommon for the plan’s start date to precede the adoption date, we are concerned about the base date and the commencement of a plan that is a third of the way into a fifteen year plan period. By the time the plan is adopted, it is not inconceivable that the plan could be closer to 7 years into its plan period.

1.2.3 The Council’s most recent evidence base includes both assessments for the periods up to 2028 and 2037 and therefore the evidence of need is readily available. Based on this evidence, there is no reason why the Council should not roll forward the plan period so that it covers the period 2015 to 2030.

1.2.4 In our view, the reasoning behind adopting a 2013 start date is because it reduces the overall new housing provision by relying on a longer rate of completions. Indeed, 54% of the plan’s overall housing provision consists of sites that have either already been completed or granted planning permission during a period without an up to date development plan. Furthermore, after factoring in the 2,516 units to arise from unidentified windfall developments, only 28% of the housing provision would be delivered by sites identified by the Council. Allowing 72% of the overall housing provision to be delivered ad hoc and outside of the planning strategy is not a sound basis on which to base a plan, and does not sit well with the NPPF’s requirement at paragraph 15 for the planning system to be “genuinely plan-led”.

1.2.5 As the plan is progressing on an excessively early base date and has not been updated to reflect the need for additional housing sites, the plan is not the most appropriate strategy and is not justified. Furthermore, it does not identify sufficient land to meet the full objectively assessed development needs and therefore is not positively prepared.

Should the recently published 2016-based household projections be taken into account in setting the OAHN? If so, what would be the consequence?

1.2.6 The 2016 population projects show that a further significant uplift in housing is needed. Whilst we also recognise that the Government does not consider the figures represent a robust basis to work from at present, this is largely because
the overall use of the 2016 figures would see a downward target for housing. In an area whether the figures present an uplift, the projects would appear to represent a more credible baseline figure to pursue.

Is the level of housing planned appropriate? Should it be increased or decreased? If so, to what level and on what basis?

1.2.7 The proposed distribution of development within the District is based on a ‘Sustainable Settlement Strategy’, which identifies the towns and villages that are considered to be sustainable and the policies for growth over the plan period.

1.2.8 It is split into three sections:

1) Growth and change to the South Wealden Growth Area;

2) Growth of ‘other areas’ with settlement boundaries that contain allocations for future growth; and

3) Management of new development in all remaining areas with settlement boundaries but where no land allocated due to a lack of available land or environmental constraints.

1.2.9 The Council’s spatial strategy plans to focus new development in the South Wealden Growth Area, which consists of in the settlements of Hailsham, Willingdon, Polegate, Stone Cross and the parish of Hellingly. The growth within this area is intrinsically linked with the delivery of critical transport infrastructure alongside other strategic infrastructure requirements including education, wastewater, employment and community facilities.

1.2.10 Policy SWGA1 sets out that land is identified to provide for some 3,750 dwellings (excluding windfall allowances), including 82 dwellings on SHELAA sites. This equates to a total of 3,832 dwellings, which is 95% of the proposed allocations in the borough for the 2013-2028 plan period. The remaining 5% of allocations (180 dwellings) would be distributed between the remaining settlements within the Borough. However, because the delivery of development in the South Wealden Growth area is heavily reliant on the timely provision of infrastructure there is major uncertainty about delivery.

1.2.11 With this in mind, we are greatly concerned about the effectiveness of the plan in terms of being able to deliver housing needs in the short to medium term, particularly given the uncertainty regarding the delivery of key infrastructure that is needed to unlock development and growth.

1.2.12 It seems illogical for the Council to place such emphasis on a single area for growth, especially when there are a number of larger villages and towns, such as Wadhurst, that could accommodate further growth without the need for significant infrastructure improvements.

1.2.13 We also have concerns as to whether the strategy is justified, on the basis that too much growth is being directed to the south of the district when it is clear that a number of larger settlements in the north of district are capable of accommodating further growth in the short to medium term.
1.2.14 Using Wadhurst as an example, it is our view that its sustainability credentials have been overlooked and that the settlement is capable of accommodating more housing than is currently planned for. The Council’s vision for Wadhurst is for it to maintain its residential character and its local employment and service function whilst providing its residents and the surrounding rural population with improved health, community and leisure facilities.