EXAMINATION STATEMENT – MATTER 04

Wealden District Local Plan

Representations on behalf of
Catesby Property Group

May 2019
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WEALDEN DISTRICT LOCAL PLAN
REPRESENTATIONS ON BEHALF OF CATESBY PROPERTY GROUP
MAY 2019

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## CONTENTS

<table>
<thead>
<tr>
<th>1.0</th>
<th>INTRODUCTION</th>
<th>01</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0</td>
<td>RESPONSE TO MATTER 04 - SUPPLY OF HOUSING</td>
<td>02</td>
</tr>
</tbody>
</table>
1.0 INTRODUCTION

1.1 This Statement has been prepared by Barton Willmore LLP on behalf of our Client, Catesby Property Group. Catesby has interests in land within Wealden District.

1.2 Representations have been made on behalf of our Client during the production of the Local Plan. Our representations to the Reg 19 Proposed Submission Local Plan were, in broad terms, supportive of the spatial strategy within the Local Plan, however, we sought to provide commentary on certain areas of the Plan for which we did not consider to be sound. These aspects are addressed again in matter statements to the Examination of the Local Plan.

1.3 Notwithstanding the land interests of our Client, these representations have been prepared in recognition of prevailing planning policy and guidance, in particular the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

1.4 The Local Plan was submitted during the period for when transitional arrangements for applying the 2012 NPPF were in place. Reference is therefore made to the 2012 NPPF in responses to the Inspector’s questions, unless otherwise stated. These representations respond to the Inspector’s questions within Matter 04 and have been considered in the context of the tests of ‘Soundness’ as set out at Para 182 of the NPPF which requires that a Plan is:

- **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 reasonable;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternative, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.
2.0 RESPONSE TO MATTER 04 – SUPPLY OF HOUSING

Issue 1 - Is the Council’s approach to its housing supply, justified, effective and consistent with national policy?

Question 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?

2.1 The Plan is heavily reliant on windfall provision (2,516 units), making up 17.7% of the total supply. Discounting completed/consented sites, windfalls account for 38.5% of the ‘new’ identified supply (i.e. new allocations and windfall).

2.2 The latest Authority Monitoring Report\(^1\) confirms that windfalls are not taken into account for the first 3no. years of the Plan (2018/19 – 2020/21). This is not an unreasonable assumption however there may be some cases whereby windfall that comes forward in year 1, may deliver houses in years 2 or 3.

2.3 WDC’s windfall assumption therefore equates to an average of c.350dpa over the final 7no. years of the Plan (2021/22 – 2027/28).

2.4 The AMR\(^2\) details previous windfall delivery (2006 – 2017/18) and confirms average delivery of 253dpa in this period. Only in two years of twelve (2007/08 and 2010/11) has the Council exceeded the proposed 350dpa figure, as above.

2.5 There is thus little evidence to suggest the windfall predictions will be met.

2.6 Furthermore, the opportunities for windfall development are artificially constrained by the Council’s approach to allocating specific levels of windfall development to defined “Middle Super Output Areas” (MSOA) across the District (Policy WLP 7).

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\(^1\) AMR (2017/18) – see para 5.25.

\(^2\) AMR (2017/18) – Annex 2
2.7 With regard to the approach to MSOAs, the Habitats Regulations Assessment is considered to contain unrealistic and pessimistic future development scenarios which do not account for the uptake of electric vehicles or Government initiatives/policy in terms of emissions. Moreover, the HRA does not test the impact of higher levels of growth upon the Ashdown Forest. This has led to the unnecessary capping of development, where there are sustainable sites which could deliver WDC’s housing requirement.

2.8 These points are covered in statements to Matters 01 and 02 as provided by the Ashdown Forest Stakeholders Forum (to which Catesby is a member of). These arguments are therefore not repeated here.

2.9 It is considered that the Council should allocate further sites within MSOAs rather than seeking to rely upon windfall. This would provide a greater degree of certainty in terms of delivery and would ensure that sites are Plan-led. This is critical in terms of meeting overall housing needs (as per our Matter 03 Statement).

2.10 The Council’s current approach to windfall poses a significant risk to housing requirements not being met across the Plan period. The current approach is not justified and not effective, and the Plan therefore not sound.