

Wadhurst Neighbourhood Plan Regulation 16 Consultation- Response from Wealden District Council

This document sets out the comments of Wealden District Council on the Wadhurst submission Neighbourhood Plan. Wealden District Council has engaged with the Steering Group throughout the process of preparing the neighbourhood plan and as such, this response only relates to those areas where issues remain. Many of the smaller changes to the plan suggested at the second Regulation 14 by Wealden District Council have been made. The main issues of contention remaining are around the Green Gaps, Local Green Spaces, non-designated heritage assets and Locally Valued Views.

Contributing to Sustainable Development

The Wadhurst Neighbourhood Plan (WNP) is not seeking to meet the future housing needs of the neighbourhood area or allocate sites and paragraph 1.13 and chapter 11 confirms that this position will be reviewed once a Local Plan is adopted. Future housing and other development needs in the neighbourhood area will therefore be addressed through the Local Plan process.

The Council has considered the environmental designations proposed within the WNP and notes that many of the proposed environmental designations (e.g. Green Gaps and Locally Valued Views) cover sites that have been submitted to Wealden District Council as part of its Strategic Housing and Economic Land Availability Assessment (SHELAA). In effect, the designations could result in limiting the supply of potential housing sites and the number of dwellings that can be delivered on these sites to meet the housing needs of the local community in Wadhurst.

The Council published its latest [SHELAA Report](#) alongside the now withdrawn Wealden Local Plan in 2019 and is currently in the process of updating its SHELAA to inform its emerging Local Plan. This includes reviewing the suitability and deliverability of all sites submitted, this includes both previous sites that were submitted and reported on in the SHELAA 2019 publication as well as new sites that have been submitted since this date. The SHELAA review will be published alongside the Local Plan Regulation 18 consultation once this takes place in 2023 and will assist (alongside other evidence) to inform the Council's growth strategy. However, in the interim, the vast majority of sites submitted to the Council for its SHELAA are available to view via the Council's [online mapping](#) system.

Policy WAD4 also seeks to resist major infrastructure developments, although 'major infrastructure' development is not defined within that policy in terms of scale. This is despite paragraphs 153 and 155 of the National Planning Policy Framework (NPPF) stating that (local) plans should take a proactive approach to mitigating and adapting to climate change and should help increase the use and supply of renewable and low carbon energy and heat. If Policy WAD 4 confirms it is 'major development' within the Area of Outstanding Natural Beauty (AONB) in line with paragraph 177 of the NPPF, would the NPPF not suffice by stating that permission should be refused for major development other than in exceptional circumstances, alongside other landscape policies?

The remainder of this response will comment on the individual chapters and policies within the submission version of the WNP (April 2023) in the order they are written.

Introduction and Early Chapters

Page 2- Extra explanation is needed around what the contributions can be used for – ‘these contributions can be used to finance infrastructure projects **that are required as a result of new development**’.

Paragraph 1.12- The Direction of Travel document dates from November 2020. Therefore, it does not contain the current housing need figure for the district or indeed the January 2023 figure. The current figure for the 2023 period is 1200 dwellings per annum (dpa), but this will change each year.

Paragraph 2.11- Local Wildlife Sites were formerly known as SNCIs. This paragraph could be more specific as to designations.

Paragraph 4.6- As discussed above, the current housing needs figure for the district is 1200 dpa.

Paragraph 4.7- This paragraph will become outdated very quickly as the situation changes. The 5-Year Housing Land Supply position cited as of 1 April 2021 is already out of date. The latest 5-Year Housing Land Supply position as of 1 April 2022 was 3.92 years and this will be updated shortly again. Either remove the paragraph or simplify it to just confirm that the Council does not have a 5-year Housing Land Supply currently.

Paragraph 4.8- This is conjecture. The AONB still has a national landscape designation and planning decisions on housing schemes are made on a case-by-case basis and in accordance with national policy.

4.12- When allocating sites in the Local Plan, a whole range of factors are considered, including whether it is brownfield land as per the NPPF, but given the housing requirements for the district, the lack of industrial legacy and the fact that we need to retain many of our employment uses, this means that brownfield land opportunities are rare in the district. Therefore, we must consider greenfield land for housing and employment development as part of the Local Plan process.

Recommendation: Paragraphs 1.12, 4.6 and 4.7- Remove reference to a specific figure as this will quickly become out-of-date. If you are going to use a figure, use the most recent and ensure a date is included.

Policy WAD1: Location of Development and Appendix A

Wording of the Policy

Part A- This part of the policy refers to supporting development within the development boundaries as defined in Figure 4.1. Wealden District Council will be reviewing its development boundaries as part of the Local Plan process.

Part B- As it reads, the policy would appear to prevent all development other than the exceptions listed part b of the policy, including even residential extensions, outbuildings or potentially other development that may ordinarily be accepted in the countryside. This is contrary to 'saved' policies DC18, DC19 and DC20 of the adopted Wealden Local Plan (1998).

We have raised this issue in our previous comments at the Regulation 14 stage that the policy as it stood contradicted paragraph 80 of the NPPF, which states that there are circumstances in which new homes in the countryside may be permitted and paragraphs 84 and 85 of the NPPF, which support rural businesses. The WNP has now added in reference to these paragraphs into B (i), however there is now some duplication within Policy WAD 1, Part B. For example, paragraph 84 of the NPPF refers to sustainable rural tourism, which has also been listed as criteria at B (vii). The policy is considered somewhat confused in that it refers at times to paragraph numbers of criteria listed in the NPPF, and in other places the NDP lists the criteria.

Should there also be a reference in Policy WAD 1 to paragraph 177 of the NPPF bearing in mind the Parish is wholly within the High Weald AONB? Or at least reference to a landscape policy in the plan if this covers this?

Reference to 'saved' policy EN6 of the Wealden Local Plan (1998) in this policy in this context of resisting development is incorrect. 'Saved' policy EN6 relates to conserving the character of the AONB and taking care with the siting of development, not resisting all development within the AONB. 'Saved' policy DC17 prevents housing development outside development boundaries unless it conforms with other policies in the plan. Thus, neither policy referred to relates to resisting all development outside of development boundaries or within the High Weald AONB.

Part B ii- We commented upon this at the Regulation 14 stage, however, not all of the proposed changes have been carried out. Demonstrating a positive contribution to AONB objectives of the High Weald AONB Management Plan is too high a bar to set.

Part D- This part of the policy relating to Local Green Spaces has been added in since the Regulation 14 stage. It is not referred to in the consultation statement and it is not clear why it has been added given the policy relates to Green Gaps. It does not add anything to the existing Local Green Space Policy.

Recommendation- Other criteria needs to be added to the list to ensure that it complies with the Wealden Local Plan (1998) and the NPPF. Alternatively, reduce the list and just refer to the NPPF and Local Plan policy references and any locally specific criteria. Consideration needs to be given to making this policy more locally specific and not merely a repetition of national and local policy. Reference to the two Wealden Local Plan (1998) 'saved' policies at Part B to be removed.

Part A-The policy should instead refer to the development boundaries as defined in the Wealden Local Plan (1998) or subsequent adopted Local Plan.

Part B ii- should be changed to 'have regard to' rather than demonstrate a positive contribution to.

Part D- Remove this part of the policy.

Green Gaps

Wealden District Council has previously provided comments on the Green Gap designations and many of our previous comments still apply and remain valid.

The Council has concerns regarding the proposed Green Gap designations set out in the draft plan. The WNP seeks to designate 9 'Green Gaps'. The WNP explains at paragraph 4.1 that 'the identification of green gaps will help to avoid sprawl and coalescence between the individual settlements and those beyond the Parish boundary' and this is further elaborated in Policy WAD1. The WNP at Figure 4.2 and Appendix A sets out the identified green gaps.

There is currently no strategic policy contained within the district's development plan framework relating to green gaps or coalescence and therefore, there is a question as to how an additional designation for green gaps is in line with the Council's strategic local policies. The main policy approach of Wealden District Council used to safeguard land in the countryside is 'development boundaries' that includes 'saved' policies of the Wealden Local Plan (1998) GD1 and GD2. In short, these development boundaries support new development within them, provided it is in accordance with other policies of the Local Plan. It resists new development outside of those development boundaries unless it is in accordance with other policies of the Local Plan or material considerations suggest otherwise. This approach continued as part of the Wealden District Core Strategy Local Plan (2013) and is very likely to continue as part of the new emerging local plan also.

It is noted that some Neighbourhood Plans locally (outside of Wealden District) do have Local Settlement Gap policies (for example [Battle](#) in Rother District and [Hassocks](#) in Mid Sussex District) but in these cases, the local planning authority does have an adopted strategic Local Gaps/Settlement Coalescence Policy in place that supports the Neighbourhood plan policy. This is not the case for Wealden District, and it is therefore advised that Local Settlement Gaps will not conform with the adopted strategic approach of Wealden District Council. It should also be noted that for some Local Settlement Gaps, there may be also other important designations (i.e. the High Weald AONB) that would protect such land from development in any case.

Within the Examiner's Report for the Ringmer Neighbourhood Plan, the Examiner indicated that they were to delete their proposed green gap policy and that there is no adopted Green Gap Policy in the adopted Lewes Local Plan and no Green Gap Policy in the framework was raised as an issue. Notwithstanding this, the Council's observations and comments on the proposed green gaps approach and the green gaps themselves are set out below.

General comments

The location of the sites are in many cases not located in an obvious gap between settlements where coalescence is a risk. On this basis it is difficult to understand how the creation of green gaps at such specific locations are justified or indeed how they would meet the basic conditions. For example, why would the protection of

these specific sites prevent coalescence or contribute to the identity of a settlement alone? The Examiner's report on the Storrington, Sullington and Washington Neighbourhood Plan from 2018 [here](#), is one example where the Examiner recommended the removal of a number of proposed green gaps from the Plan because there was no chance of settlement coalescence, there being no settlements to be coalesced with.

All of the green gaps identified are located within the High Weald AONB. They are also located outside of the current defined development boundary. On this basis there are already existing national and local policies that apply to each of the green gaps identified. In addition, certain sites are also located within or adjacent to Conservation Areas. Section 72 of the Planning Listed Buildings and Conservation Areas Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Saved policy EN19 of the Wealden Local Plan (1998) states that within Conservation Areas, proposals which do not preserve or enhance their existing character, scale and visual amenity will be resisted. The NPPF also seeks to conserve the significance of heritage assets (including Conservation Areas as designated heritage assets) including any contribution made by their setting. The existing policy position therefore is to limit the scale and extent of development in these locations. Given that the sites are located within the High Weald AONB and outside a development boundary and in considering the wording provided at part C of the WAD1 policy, we do not consider that the identification of the nine green gaps are required.

The Examiner's report on the Battle Neighbourhood Plan in 2021 [here](#), is one example where again the Examiner recommended the removal of a number of the green gaps because they did not perform the purpose of a gap which is to prevent the coalescence of settlements. However, the Examiner also referred to the fact that the areas identified as green gaps are all outside the development boundary and within the AONB, which offers the highest level of landscape protection. The Examiner stated that from his research, these policies have been used successfully to defend at appeal, refusals of planning permission.

There is also a clear overlap between the Green Gap designations and sites submitted to the District Council's SHELAA process. Green Gaps 1, 2, 5, 6 and 9 have all been put forward by landowners for consideration to meet future housing need and Green Gap 7 is adjacent to SHELAA site 1211/3330. The WNP is not planning for housing or allocating sites. Therefore, the Council will assess these sites as part of its SHELAA review and will consider how best to meet its housing need across the district including in Wadhurst. Whilst it is too early in the Local Plan process to know what the housing requirement for the parish may be, the Planning Practice Guidance (PPG) it is very clear that a neighbourhood plan should plan positively and should not be used as mechanism to constrain the delivery of a strategic site allocated for development in a local plan. The WNP must therefore have regard to the NPPF's emphasis on the need to deliver sufficient homes and the need to achieve sustainable development. These are basic conditions that must be met.

It is concerning that the potential purpose of these designations appears not to be preventing coalescence of settlements (as stated) but rather, in some instances,

constricting available sites from coming forward for development and constraining the future strategic allocation of housing in the Parish.

Specific Green Gaps

The settlements of Durgates and Sparrows Green have already coalesced, a fact that is underlined by the existing development boundary. However, the distinct differences between this Durgates/Sparrows Green and the Wadhurst High Street / 'Wadhurst Village' areas are recognised in Wealden Local Plan (1998) (see paragraph 19.37.13). The WNP proposes two Green Gaps within this area. Proposed Green Gap 8 forms part (but not all) of the Wadhurst Castle Grade II Registered Park and Garden, which is a Designated Heritage Asset, where there is already a policy presumption against loss or substantial harm, except in exceptional circumstances. Proposed Green Gap 7 is located within the Wadhurst Conservation Area. It is identified as a key open space within the associated conservation area appraisal. Panoramic views across the site to the High Weald AONB are also highlighted as important in both the Conservation Area Appraisal and the draft neighbourhood plan. Both GG7 and GG8 are located outside of the development boundary, and both are located within the High Weald AONB. As set out above, the Council considers that suitable policy protection already exists for both GG7 and GG8 and therefore the designation of a green gap at both sites is not required.

Proposed Green Gaps GG3 and GG6 are relatively small parcels of land located between Sparrows Green and the small hamlet of Pell Green. The proposed Green Gaps are within the setting of the Pell Green and Cousley Wood Conservation Area. Pell Green being added to the existing Cousley Wood Conservation Area in 2017. Existing heritage designations are therefore likely to help preserve the distinction between the two settlements following the conservation area designation. The District Council does not consider that there is justification to designate a green gap at sites GG3 and GG6, as again protection in these locations is provided by national and local policy by way of the High Weald AONB designation and the adopted development boundary. 'Major' housing/commercial developments in these locations would be subject to the exceptions test at paragraph 177 of the NPPF in any case.

The WNP explains that the purpose of GG9 is to prevent coalescence between Sparrows Green and Woods Green. GG9's role is perhaps more accurately to keep a gap between Sparrows Green and the small row of properties at Osmers Hill. The distinction is already eroded to some degree with continuous development on the western side of Osmers Hill as it crosses Balaclava Lane. Whilst the designation would retain a gap when viewed across Balaclava Lane, there is not, in the Council's view, sufficient distinction between Sparrows Green and the row of houses at Osmers Hill to warrant a Green Gap designation. Again, land at GG9 is a site that has been submitted to the Council's SHELAA. It is again located within the High Weald AONB and outside the existing development boundary.

Green Gaps 1, 2, 4, 5, in the Council's view appear to serve no role in preventing coalescence, not being located in gaps between settlements, and are not supported. It is also noted that GG1, GG2, GG5, GG6, (land adjacent to) GG7 and GG9 are also sites submitted to the Council's SHELAA.

Response to previous Regulation 14 consultation

In its previous comments at the Regulation 14 stage, Wealden District Council recommended that the approach to Green Gaps is reviewed. We stated that should the Neighbourhood Plan steering group wish to continue to designate green gaps then our advice was for the evidence base / justification within the neighbourhood plan to be expanded to clearly justify the approach and provide sufficient reasoning as to why specific green gap designations (if any) are needed/justified in light of the existing policy protections. We note that a methodology and selection criteria has now been provided as part of this Regulation 16 stage of the WNP. It is our opinion that the methodology could be stronger and could be more locally specific (e.g. who selected the sites)? Who carried out the assessment? Also, the visual character criteria has not been finished. You have assessed each site as to whether it meets the criteria for designation and discussed the role it plays in keeping settlements separate. However, this has not been approached in a way that references relevant evidence base documents. This would assist in your justification.

Ultimately, it was our advice at the Regulation 14 stage that you will need to provide more robust evidence that development within the green gaps you have identified will either individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. It was also our advice that you need to demonstrate that existing local or national policies are unable to provide the protection that you seek.

As above, our advice stands that Green Gaps 1, 2, 4, 5 and 9 are not located in an obvious gap between settlements and therefore it is difficult to see how the creation of such designations could be justified.

Ultimately, it will be for the Examiner to determine if there is sufficient evidence to justify these designations. However, the Council would suggest that those Green Gaps that do not have an obvious role in preventing coalescence given the existing policy protections afforded through existing national policy and therefore should be removed.

Policy WAD2: Meeting Local Housing Need

Wording of the Policy

Part B- Needs to specify that the LHNA is of the district. Also, it needs to be clarified that this is the WDC LHNA that is being referred to.

It is noted that changes have been made to this policy since our comments at the Regulation 14 stage. However, some of the supporting text has not been updated. At the Regulation 14 stage, we stated that you need to be able to justify any deviation from the housing mix in the Wealden LHNA. If this is not provided, then you cannot provide your own required dwellings mix. We now note that it is not referred to in the policy, but it should also not remain within the supporting text if you are no longer relying on it for the policy itself.

Part C- Tenures of affordable housing should be explained in the text above, when cited in the policy. At the moment, adopted policy AFH1 of the Affordable Housing Delivery Local Plan (May, 2016) states the affordable housing tenure split will be

20% intermediate, 40% social rented and 40% affordable rented. We assume you are removing the intermediate element for the adopted policy for 'first homes', but again, this is not clear here. In addition, as Policy WAD2 requires 25% of all affordable housing units to comprise of First Homes, there would also need to be a reduction in the percentage of 'social rented' and/or 'affordable rented' homes, but again, this is not clear.

Recommendation: The table at paragraph 5.10 (Figure 5.3) and in Appendix B states that it is the required dwelling mix, but this is no longer referred to in Policy WAD2, so should be removed.

Part C- explain within the supporting text how the requirement for first homes fits in with policy AFH1 of the Council's adopted Affordable Housing Delivery Local Plan (May, 2016).

Policy WAD3: Design and Character of Development

Wording of the Policy

Paragraph 6.5- At the Regulation 14 stage, we suggested you change the wording of the paragraph. However, this has not been carried out, despite the consultation statement suggesting it has.

Part A- The last sentence relating to innovation in design should be reworded. See paragraphs 80 and 134 of the NPPF.

Much of Part B seems to reiterate the design code, which sits alongside this document and does not need to be duplicated. It is also still fairly prescriptive and does not sit well with Part A of the policy, which allows for innovation and outstanding design that may not be traditional in form.

Part B vi- There may be situations where a higher density may be more suitable, such as close to the village centre where accessibility is good for example, or to facilitate certain types of housing (i.e. older persons accommodation).

Part B viii- In the Local Character part of the policy it is not clear what exactly 'taken account of and addressed' means. Does it mean the materials listed must be used or should be considered? This needs to be clarified.

Part C- We previously stated that all that is required is the first sentence, on the basis that if landscape/edge impacts are mitigated, then density is not a factor.

Recommendation: Paragraph 6.5 - Suggested change: *It focusses policies on three core considerations which help to structure the design process: first, respecting the setting of the High Weald, incorporating sympathetic placemaking principles next; encouraging and detailed design built in towards the end.*

Part B- Needs to be shortened. It might be sufficient for B to read: *Development proposals must ensure that they achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements and minimising the impact on the natural environment. Proposals should demonstrate how they have*

complied with the Wadhurst Design Code and address site context, residential amenity, local character, design [accounting for fenestration, roofs and dormer windows] and landscape, biodiversity and open space, as they are appropriate to their scale, nature and location.

Part B vi- This part of the policy could remove the density reference and instead concentrate on new housing not detracting from the rural character of the area etc.

Part B viii- The terminology needs to be reconsidered.

Part C- Should be shortened as stated above and not consider density.

General Points

At the Regulation 14 stage, we stated that this policy needs to be considerably reduced in length to be easy to use by applicants and Planning Officers. It is noted that Part A has been reduced in line with our comments; however, Part B is still over 3 pages long. In places it repeats text from various design guidance which is not necessary as the guidance can cover this. There is also some repetition between the different points, for example, the site context list could still be considerably refined.

The sections on local character, roofs and fenestration simply repeats large parts of the Design Code and at times contradicts it. For example, the Design Code states that roof pitches should be between 35 and 50 degrees, but the policy states that main roofs should be pitched similarly to locally distinctive buildings, usually 47.5 to 50 degrees but, no less than 42.5 degrees. We did suggest that the Steering Group consider removing these sections and instead provide a simple reference to a need to comply with the design code for guidance on materials, architectural details and fenestration. This would have the dual effect of shortening the policy, but also avoiding duplication or conflict between the two documents.

We have concerns over the level of prescription in the design policy. There is no differentiation in the design policy, particularly the local character, roofs and dormer windows and fenestration sections, between development in the Conservation Area/ affecting heritage assets and works outside of these areas. For example, to require wooden windows or conservation compliant styles on all new developments regardless of location or context is overly prescriptive. If you are being prescriptive for a justified reason, you need to clearly set this out and ensure that it sits in the right part of the plan. As we also noted previously, permitted development means many windows can be changed without compliance with local planning policies.

Policy WAD4: Sustainability and Design

Wording of the Policy

Paragraph 6.20 speaks to “announcements surrounding changes to Part L are expected to come into force to ensure new homes built from 2022 will produce 31% less carbon emissions”. These changes were enacted on 15th June 2022 and so we suggest a wording change here to reflect this.

This policy could perhaps encourage sustainability to be part of the driver for the design and for any sustainability measures (such as PV cells) to be an integral part of the design rather than an afterthought, etc.

Part A – Consider whether this policy should also require applicants to *demonstrate* compliance or understanding of the sustainability credentials and their appropriateness in context. In Conservation Areas for instance, solar panels may not be supported due to visual impact.

Part A iv- There seems to be some repetition here. The last use of energy generation etc. does not make sense.

Parts A iv and vi - Are for all intents and purposes saying the same thing. Part A vi is perhaps better and more detailed, and these two criteria could / should be integrated into one.

Part B- At the Regulation 14 stage we commented that it is not only about character and appearance of historic buildings but also about the performance of traditional construction methods which act in different ways to modern materials and construction and therefore are not compatible with all retrofitting measures. Also, any proposals for upgrades need to be based on a sound understanding of the building fabric and construction performance. The term 'environmental performance' has been added into the policy and, whilst not inaccurate, the wording is perhaps less accessible than it could be. We would also encourage you to reconsider the phrase 'historic vernacular buildings'. Part L of the Building Regulations refers to 'historic and traditional buildings with a vapour permeable construction'. You might consider therefore changing historical vernacular buildings to historic buildings or traditional buildings. Does this need to be part of the policy itself or could it be part of the supporting text with a clause on Part A that allows for exceptions, such as 'unless there are other overriding considerations.'

Part C- This part of the policy is not consistent with paragraph 177 of the NPPF which states that within the AONB, planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Thus, the NPPF would allow 'major infrastructure development' within the High Weald AONB in certain circumstances.

It is also not clear what is meant by 'major infrastructure development' here? Does it relate to the AONB exceptions test as discussed above, or major development as described in the Glossary to the NPPF and under the Town and Country Planning (Development Management Procedure) (England) Order 2015? If it relates to major development within the AONB (according to paragraph 177 of the NPPF) would the NPPF not suffice alongside other local landscape policies?

Recommendation: Paragraph 6.20 needs a wording change to reflect changes to the building regulations that have been enacted.

Part A iv and vi – Consider the integration of Parts A iv and vi, given they consider the same issues.

Part A iv- Remove the last use of energy generation etc.

Part B- See suggested changes to terminology above. Add 'and a sound understanding formed of the building fabric and construction performance' at the end.

Part C- Remove part C.

Policy WAD5: Conserving Heritage Assets and Appendix D

Wording of the Policy and Supporting Text

Paragraph 6.25- typo in first sentence (...those that *are* non-designated).

Paragraph 6.26- avoid giving the exact number of listed buildings, which does not equate to the number of properties and could quickly become out of date.

Paragraph 6.26- include link to Historic England listing data.

Paragraph 6.28- The Historic Environment Record (HER) does not identify Non-Designated Heritage Assets (NDHA) – see paragraphs 60-62 of Historic England's guidance on Local Heritage Listing, which explains the role of HERs in relation to local heritage lists. It should be used for informing considerations of heritage value, and might provide a starting point for identifying criteria or the basis of a list (e.g. by identifying concentrations of certain building types relating to local history), but cannot be used in the way suggested (see pages 13-14 of the guidance). The record contains information on a wide range of information from archaeological finds through to historic buildings, but not all buildings that are not listed will be a non-designated heritage asset, and critically, things that are not on the HER can still be considered non-designated heritage asset.

It states in paragraph 6.28 that a link is provided to the HER; however, the link goes to the Heritage Gateway. The Heritage Gateway is incomplete and forms part of the identification process, but this is not the only part of the process. The HER and Heritage Gateway are not the same thing.

Paragraphs 6.30 and 6.31- It states that historic routeways in Wadhurst should be recognised as non-designated heritage assets. Whilst protecting route ways and their contribution to the historic environment/landscape and local distinctiveness is of value, it is inappropriate to refer to these as non-designated heritage assets.

Although part of the broader historic environment, this is a landscape consideration and not a heritage asset - i.e. a building, a monument, a site, a place, an area, or a [designed] landscape. In order for any assets to be identified as part of a Local List, they would need to go through an assessment against the relevant criteria and this has not taken place. This text appears to just copy the High Weald AONB Management Plan (2019-2024), including a map from the High Weald AONB Unit (Figure 6.5) - is it necessary? The AONB have a very detailed guide on the ways these routes add to cultural heritage.

Paragraphs 6.33 and 6.34- These paragraphs need further clarification. For grade I and II* listed buildings, Scheduled Monuments and Conservation Areas, the auditing is done by the local planning authority with Historic England on a rolling basis and is monitored/published annually by Historic England. It is not clear if it is being suggested that the Parish Council and Conservation Officers carry out further monitoring on top of this. The WNP cannot be used to dictate partnership with the Conservation Team at the local planning authority. This needs reconsideration. It is also not clear who is being suggested to take opportunities to restore historic assets. The word 'restore' also has specific connotations, which are not likely to be appropriate in every instance. 'Conserve' would be the better term to use here.

Part A – Requiring non-designated heritage assets to be preserved and enhanced in the same manner as designated heritage assets does not reflect the hierarchy set out in the NPPF. Generally, 'preserve' is used in the statutory instruments for listed buildings, whereas conserve and enhance or better reveal the significance of is used in relation to designated heritage assets in the NPPF. It is also the significance which is to be preserved/conserved/enhanced, not necessarily the asset itself. This is about managing change, not stifling it.

Part D- It is not clear who will be taking this proactive stance. The second sentence in part D does not relate to the first sentence, but rather to Part A.

Recommendation: Paragraphs 6.28-6.34 are reworded to remove inaccuracies and extra clarification added in line with our comments above.

If retaining the section on routeways, it should be more specific to the parish and its historic environment generally.

General Points

Turners Green Boxing Fields and a network of routeways have been identified as non-designated heritage assets. It is incorrect to say that non-designated heritage assets in Wadhurst only comprise these two sites/features as it does in part A of policy WAD5. There will be others in the parish that have not been identified. The policy states that additional non-designated heritage assets may be identified using the criteria in appendix D, but this does not explain the process for how to do this. Appendix D appears to suggest that any non-designated assets identified using the criteria should be added to any Local List prepared by Wealden District Council. However, this would not happen automatically. Sites would be nominated but would still have to go through an assessment process.

We also have concerns regarding whether these two sites/features can be deemed non-designated heritage assets. Nominations have to be supported by sufficient detail to demonstrate that they meet the requirements set by the selection criteria and by national planning policy and currently the two proposals do not in our view.

- *Turners Green Boxing Fields*- these fields may have cultural significance, but this does not necessarily make them a non-designated heritage asset. Whilst an assessment has been carried out against the criteria, the fact that there are no physical remains on site means that it is difficult to see how they meet the criteria. Where area designations relate to either battlefields, parks,

gardens, etc. it is the specific interaction of location/topography, man-made manipulation and/or archaeological potential that marks their significance, and supplements the historic interest, which also generally needs to have had a wider societal impact. The event certainly has some historic interest, but it is not clear how this specifically relates to the characteristics of the site (both LG11 and LG12) or what would be considered the non-designated heritage asset? It is also not clear what significance the site itself has.

- *Network of routeways*- these form part of the historic environment and landscape character, but this does not necessarily make them non-designated heritage assets. No criteria has been established for identifying significant routeways and no analysis has been carried out for specific routeways against the criteria.

It is not clear from paragraph 6.32 of the WNP as to why further nominations are being sought after the Plan has been submitted, nor why this specifies that new suggestions do not appear in the HER (see comments about the HER above). As part of this policy, two non-designated heritage assets are being proposed. If you want to nominate further this would now need to be as part of a review of the Neighbourhood Plan at a later stage or alternatively you can forward nominations to Wealden District Council for as and when the council prepares a Local List. See <https://historicengland.org.uk/images-books/publications/neighbourhood-planning-and-historic-environment-advice-note-11/heag264-neighbourhood-planning-and-historic-environment-2nded/> for more information on developing Local Lists as part of a NDP process.

Overall Recommendation: This policy needs substantial work, and it may be beneficial to change the policy to a more general heritage policy, removing the attempt at identifying non-designated heritage assets, which at the moment is incomplete and misidentifies non-designated heritage assets. Instead, the policy could focus on identifying criteria that could be used in the future, either via a future review of the neighbourhood plan or nominating to Wealden for a potential future local list.

Policy WAD6: Conservation Areas

Our comments made at the Regulation 14 stage have largely been addressed, but the revised wording raises some issues in the requirement to preserve the setting of conservation areas. Managing change is about conserving the significance of designated areas. Part A of the policy appears to relate to development within Conservation Areas or their settings, but Part B only relates to development within Conservation Areas and would not apply for instance to something on the edge of the designated area (i.e., abutting the Conservation Area or otherwise within its setting). We did also previously raise the question as to what local context this is adding to the NPPF or adopted policies of the local planning authority. Policy WAD5 above already covers both designated and non-designated heritage assets.

Policy WAD7: Safe and Sustainable Movement

Wording of the Policy

Part C- It will be difficult for highway works to be sympathetic to the local character. If the issue you are seeking to address relates to the impacts of new development, then this is suitably covered by the existing design and AONB policies. If it is about standalone highway works, then we have no control as this is permitted development.

Recommendation: Part C- The policy could be reworded to say necessary highway works should include suitable mitigation where possible.

Policy WAD8: Mitigating Traffic Congestion

Wording of the Policy

Paragraphs 7.16 and 7.17- As the Council's validation criteria explains, there are three different types of transport document that may be required depending on the size of the development and this is laid out in the East Sussex County Council guidance; Transport Assessments, Transport Statements and Transport Reports.

Parts A and B- These are outside the remit of a Neighbourhood Plan. The detail required in each submission will vary depending on the proposal and will be for the Local Highway Authority to determine what is required.

Recommendation: Paragraphs 7.16 and 7.17 are amended to accurately reflect the ESCC requirements.

Parts A and B of the policy are removed. It is suggested that part C be moved to a community aspiration as this does not relate specifically planning or new development proposals.

Policy WAD9: Car Parking Provision

Wording of the Policy

A reference or even a footnote could be added giving the full name of the ESCC parking guidelines and date of the guidance.

Policy WAD10: Employment Retention and Local Economy Viability

Wording of the Policy

Part A – The uses supported within development boundaries as Part A only includes use classes E (a and b) and use class f. It is not known why other parts of use class e are not included within Part A or B of this policy) as these are all 'main town centre uses' and it is now permitted development to move from parts of use class e to another part of use class e (i.e. retail to an office).

Part B- Some of these uses would not usually be appropriate in residential areas of the High Street and would in fact not be supported in Town Centres, particularly use classes B2 and B8 that are not defined as town centre uses within the NPPF (Annex 2: Glossary). The same issue as described above around use class e persists here.

Part C- Can the term commercial premises be defined in terms of the use class order to be specific on this?

Recommendation: Part B- That the use classes listed in this part of the policy are limited to Use Class E and F only. Use Classes B2 and B8 can be supported within existing development boundaries but would not normally be excluded within the high street or adjacent to residential properties. The policy as it stands is confused and the uses between Part A and Part B do not match. Parts A and B could be amalgamated to reduce the confusion.

Part C- That use classes are added for those existing commercial premises.

Policy WAD11: Supporting Sustainable Rural Tourism

Wording of the Policy

Part i- To insist upon the redevelopment of an existing building for tourism uses is contrary to 'saved' policy TM1 within the Wealden Local Plan (1998). Policy TM1 confirms that outside the areas identified in 'saved' policy TM2 (this includes the South Downs National Park and Ashdown Forest only), proposals for new or extended tourist attractions and facilities will be permitted provided it meets the three criteria listed, that includes taking particular care of the siting, design and appearance within the High Weald AONB. In effect, the statutory development plan and the NPPF allow for new tourism development in the area subject to certain criteria.

Part iii- How would demonstrable economic and social benefits be defined? If rural tourism is supported, subject to other criteria, then there is no need to prove its benefits.

Recommendation: Part i- Remove the criteria as written due to conflict with the NPPF and 'saved' policy TM1 of the Wealden Local Plan.

Part iii: Remove.

Policy WAD12: Communication Infrastructure Support

Wording of the Policy

Part A- It is still not clear what multiple properties access means. This is still not defined in the supporting text.

Recommendation: Either within the policy or supporting text define what multiple properties access is.

Policy WAD13: Conservation of the Natural Environment, Ecosystems and Biodiversity

Our comments made at the Regulation 14 stage have been addressed and Wealden District Council are in support of this policy. However, we would add the following in terms of the supporting text leading up to the policy.

Paragraph 9.3 states that the Strategic Teise Valley green/blue corridor has been identified by WDC; however, this is a 'proposed' corridor in the Green Infrastructure (GI) Study (Chapter 5.2 of the Study) on the concept map and so not formally a corridor (i.e. it has not been designated in an adopted plan or strategy). This document can be referred to / used in the NDP, but the NDP should make it clear that this is a potential / proposed corridor identified within an evidence base document at this present time. This also applies to the mention of the Northern Wealden Green Access Link.

Paragraph 9.7 – We would suggest adding in ancient woodland to this paragraph as well.

Paragraph 9.11 speaks to Bewl Water Biodiversity Opportunity Area (BOA) being identified in the GI Study as a BOA. This BOA exists and has not been 'identified' by the GI Study. The GI Study and particularly Figure 2.2c just shows the BOAs that are present within Wadhurst Parish. They are existing BOAs, but paragraphs 9.10 and 9.11 make it sound like the NDP and community of Wadhurst, via the GI Study, has identified it. This is not the case.

Policy WAD14: Bewl Water Reservoir Area and Associated Public Activities

Wording of the policy

Our comments at the Regulation 14 stage still apply. It is not clear from the wording of the policy exactly what it wants to achieve. Does it just want to support the provision of a clubhouse, or would it support any building in these two use classes? Also, we are not sure that 'which' works well with the rest of the criteria. The consultation statement suggests changes would be made to this policy in line with our comments although they have not been made in the submission plan.

Part A i- If economic, rural and tourism enterprise is supported, why does demand need to be demonstrated?

Part A ii- This criterion only needs to refer to conserving landscape character only and the reference to the document is not absolutely necessary.

Part A v- The highways criteria is not necessary and is covered elsewhere.

Part A viii- we are not familiar with the Medway Water Act 1968. However, it is clear that the Medway Water Act 1968 does not relate to town planning and therefore, we do not believe it should be included within the policy. If landscape conservation is required, then this is all that needs to be said here.

Part A ix- If this policy supports buildings within use class F2 (b and c) then it is unclear how it will also be for these other elements listed at Part A ix. Perhaps this needs to be split into a separate criteria?

Recommendation: The first part of A needs further clarification. Replace 'which' with 'provided they'.

Part A i, A v and A ix- it is suggested that these criteria are removed.

Part A ii- alter the wording to refer to conserving landscape character only.

Part A viii- remove reference to the Medway Water Act 1968.

Policy WAD15: Protection of Distinctive and Highly Valued Views and Appendix E

Wording of the Policy

Part A - The policy needs to clarify what is meant by the phrase 'development proposals within the key views....should be designed in a way which safeguards the locally significant view or view cluster concerned'. The policy needs to explain what exactly is being protected (i.e. the landscape character or key characteristics of the view as defined in the assessment of views in Appendix E).

Recommendation: Part A of the policy could be written to state that 'development proposals within the key views shown in figure...should be designed in such a way so as to not have a negative impact on the landscape character of a key view as defined in the assessment of views in Appendix E'.

General Points

It is noted that some detail regarding the methodology and how the views were assessed and nominated has been added since the Regulation 14 submission. However, it is still not clear if there were any views that were considered but that did not meet the criteria or if every view was considered to meet the criteria.

Four criteria for assessing the views have been added since the Regulation 14 submission (in the Consultation Statement) when we raised concerns regarding the use of landscape sensitivity criteria to assess a view. There is still a lack of explanation as to how these criteria were arrived at as well as lack of clarity surrounding those criteria. What is considered to be a 'local heritage asset' - have these been defined in the views? It is important that the views that have been identified have a clear rationale that relates to the quality/importance of the view in the neighbourhood area and that the description of each view relates back to the criteria for the designation and states how the view meets the criteria, or not. Until we have this information, it is very difficult for us to comment on each individual view and whether it meets the threshold. Therefore, we are unable to comment on the individual views at this stage.

Currently many of the views are centred on the main village. Presumably there are other areas in the Parish with key views. Many of the views pass across potential housing sites that have been submitted to the Council for consideration in its SHELAA. Within the consultation statement, it suggests that those views which were proposed in the wider AONB and therefore unlikely to be significantly impacted by

development have not been selected. As stated previously, the identification of views as a means to constrain housing development is unlikely to be acceptable.

A number of views (3, 4a, 4b, 5a and 5b) are not on any recognised public footpath but rather private land, which will be harder to justify.

It is not clear why some of the views have been separated out into different parts. Some of the views are very similar (e.g. 2a and 2b, or 4a and 4b). It would seem logical to either combine them or if they are clearly different then each one should have a photo and explanation of how it meets the criteria.

Policy WAD16: Local Green Spaces and Appendix F

General Points

The Council supports the principle of Local Green Spaces (LGS). However, the Parish Council will be aware from our previous consultation responses and discussions that the designation of these sites must be based on strict criteria set out in paragraphs 101-102 of the NPPF. Designating LGS should complement investment in sufficient homes, jobs and other essential services and be capable of enduring beyond the end of the plan period.

When justifying LGS designations, the neighbourhood plan should set out clear criteria based upon the NPPF definitions and apply these consistently across the Parish. The criteria set out at Appendix E has not been applied consistently. For example, all but one LGS has been assessed as having richness of wildlife, despite not being designated as Local Wildlife Sites or other similar recognised designation. LG16 has been identified for its historic significance due to having a historic footpath, which would be true of many other fields in Wadhurst Parish. A criteria for assessing historic significance based on identified heritage designations would provide a more robust measure for assessing historic interest in potential LGS. The criteria does not solely need to be confined to formal designations but would need clear criteria if applied beyond formal designations. Also, on Table E2, one of the criteria is whether the space is an extensive tract of land. You have answered no to each site, but some (as identified below) are quite clearly extensive tracts of land (e.g. Bewl Water Recreation Area).

Some of the assessments do not include justification for every criteria shown as green on table E2. For example, for the assessment of Bewl Water only recreation and beauty are mentioned as reasons for being demonstrably special but Table E2 refers to beauty, recreation, tranquillity and wildlife. The assessments and Table E2 should correlate.

It is the District Council's view that there are still five designations that do not meet the strict criteria. The reasons for these are set out in the table below.

Site	WDC Feedback
Ex Wadhurst Playing Field	The designation appears to be selected on the basis of its recreational value, but as a former playing field it no longer serves a recreational purpose for the local community. The site does not appear to meet any of the other NPPF criteria; it is not a

Site	WDC Feedback
LG7	recognised/designated local wildlife site and does not appear to have a particularly important landscape function or contribute to Wadhurst's identity or character. It is also located on the periphery of the main settlement and close to a busy road that might impact its tranquillity. In addition, a large part of the site has been submitted to the Council's SHELAA process under reference 1147/3330.
Turner's Green LG11 / LG12	The designation of this site is being justified on the grounds of historic significance as the last bare knuckle boxing match is said to have taken place there. There are no listed buildings, archaeological priority areas or conservation areas within the site or close by. The site also has a recent planning history in relation to new housing development that was refused by the District Council (see planning references WD/2019/2252/O and WD/2021/1056/O). The LGS should only be used to protect small pieces of land particularly valued by the community and are not a tool to prevent development more generally.
Bewl Water Recreation Area LG13	<p>This LGS designation is 13 ha, which represents an extensive tract of land in our view. It is too big for LGS designation, and it is located some distance from any of the settlements in the neighbourhood plan area. The site is the location of a private tourist business and LGS designations must be consistent with the local planning of sustainable development and complement investment in jobs, amongst other matters.</p> <p>Furthermore, Bewl Water constitutes an important infrastructure asset as a reservoir and the expansion/upgrading of infrastructure requirements would outweigh any LGS designation.</p> <p>The distance from Wadhurst village and Cousley Wood is also an issue.</p>
Stone Cross Farm LG16	This site is an agricultural field with a public footpath. It is a potential housing site being promoted recently through the SHELAA (see reference 993/3330) and government guidance is clear that LGS needs to be consistent with local planning for sustainable development in the area. The LGS designation should only be used to protect small pieces of land particularly valued by the community. LGS designations should not be used in a way that undermines identifying sufficient land in suitable locations to meet identified development needs.

Policy WAD17: Protection of Dark Skies

Our comments made at the Regulation 14 stage have been addressed and Wealden District Council are in support of this policy.

Policy WAD18: Important Community Facilities.

We asked at the Regulation 14 stage for a clear description and justification for the identification of these buildings as community facilities. Whilst some information has been added to the supporting text regarding how they were nominated, it is still not clear how some of these can be classed as community facilities (e.g. The Welly Walk, the Sewage Treatment Works). It is our view that not all of the 'Important Community Facilities' have been justified through the supporting text and indeed whether some facilities (i.e. the Sewage Treatment Works) should even be classified as community facilities.

Recommendation: Where there is insufficient justification provided for the 'Important Community Facilities' listed in policy WAD 18, that those facilities listed should be removed from the policy.

Sustainability Appraisal

Assessment of Options: In the policy options where you have provided an alternative policy option, you could also refer to the NPPF and PPG as well as the adopted development plan. The scores may need to be reconsidered as a result of this.

Table 2.1- The text states that these are the topics required by the SEA Regulations, however these topics do not match the regulations. If the table is going to use the topic areas from Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004, it should use the correct wording (i.e. there is no 'Roads and Transport' topic area in the Schedule). Reference could be made to Table 2 within the Wealden SA Scoping Report 2021 to see how SA Topics can be matched to SEA Topics, and a similar approach followed in the Wadhurst NDP. The District Council has recently consulted its new draft [Sustainability Appraisal Scoping Report \(2023\)](#) and this will be taken forward as part of the emerging Local Plan.

Figure 2.3 is taken from the Chris Blandford Associates GI Study showing the landscape character areas within the district. But the text preceding it (paragraph 2.19) speaks to the latest landscape character assessment (2022). Figure 2.3 should be replaced with the map from the new Landscape Character Assessment to be up to date. Figure 1.3 in the 2022 Landscape Character Assessment shows the East Sussex Landscape Character Areas.

Paragraph 2.37 - there is a more recent air quality report on the Council's website [WDC-Air-Quality-2022.pdf \(wealden.gov.uk\)](#) , although the conclusions remain largely the same. Suggest maybe updating the hyperlink in paragraph 2.37 and checking the new report matches the conclusions.

Other than these minor points, the SA is comprehensive, and the SA Objectives are sound as they are specific to Wadhurst.