WEALDEN DISTRICT COUNCIL CONSULTATION

Wadhurst Neighbourhood Plan Regulation 16 Consultation

Consultation Response Form

Consultation Period

5 June 2023 – 17 July 2023

YOUR IDEAS YOUR FUTURE

Wealden District Council

Introduction

Wealden District Council is publishing the Wadhurst Neighbourhood Plan for consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The purpose of this consultation response form is for you to make your comments on the draft Wadhurst Neighbourhood Plan.

Under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), we are required to undertake a six-week consultation on the Neighbourhood Plan. This will be the last opportunity to comment on the Plan before it is submitted for independent examination. The consultation on the Wadhurst Neighbourhood Plan is open between **9am on 5 June 2023 and 5pm on 17 July 2023.**

The documents submitted by Wadhurst Parish Council include:

- Wadhurst Neighbourhood Plan 2016-2039. Submission Plan (April 2023).
- Wadhurst Neighbourhood Plan 2016-2039 Appendix A- Identifying Green Gaps.
- Wadhurst Neighbourhood Plan 2016-2039 Appendix B- Wadhurst Design Code (March 2023).
- Wadhurst Neighbourhood Plan 2016-2039 Basic Conditions Statement (April 2023).
- Wadhurst Neighbourhood Plan 2016-2039 Consultation Statement (April 2023).
- Wadhurst Neighbourhood Plan Pre-submission Stage Sustainability Appraisal (November 2022).
- Strategic Environmental Assessment (SEA) Screening Opinion Wadhurst Neighbourhood Plan and Wadhurst Design Code (Pre-Regulation 14) (October 2022)
- Habitats Regulations Assessment (HRA) Screening Report Wadhurst Neighbourhood Plan (Pre-Regulation 14) (October 2022)
- Map identifying the area to which the proposed neighbourhood development plan relates.
- List of evidence base documents
- The Future - What Parishioners Want.
- Wadhurst Neighbourhood Plan - Community Aspirations.

Viewing the Neighbourhood Plan

The Neighbourhood Plan and the supporting documents are available to view on the following website;

https://consult.wealden.gov.uk/kse

Printed copies of the Neighbourhood Plan and the supporting documents can be viewed at the following locations:

- Carillon Cottage, High Street, Wadhurst, TN5 6AA (Open Monday to Saturday 9:30am - 12:30pm)
- Piccolo Café, High Street, Wadhurst, TN5 6AJ (Open Monday to Saturday 9am- 4pm, Thursday to Saturday - 5.30pm-9pm)
- Jempsons Supermarket, High Street, Wadhurst, TN5 6AJ (Open Monday to Saturday 7am to 9pm)
- Wadhurst Library, High Street, Wadhurst, TN5 6AP (Open Monday 2pm-4.30pm, Wednesday 10am-1pm, Friday 2pm- 4.30pm, Saturday 10am-1pm)
- Wealden District Council, Council Offices, Vicarage Lane, Hailsham, BN27 2AX (Monday, Tuesday, Thursday, Friday 8.30am-5pm, Wednesday 9am - 5pm).

How to Comment on the Neighbourhood Plan

- By post: print and complete this form and send it to Planning Policy, Wealden District Council, Vicarage Lane, Hailsham, BN27 2AX
- By email: complete this form and send it to Nplans@wealden.gov.uk

You can make comments on any of the information submitted for the consultation. Please make it clear which document you are commenting upon alongside the paragraph/page number. Your comments should address whether the Neighbourhood Plan meets the basic conditions. These are outlined in the Regulation 16 Guidance Notes.

Queries.

If you have any queries relating to the consultation or submitting your comments, please contact the Planning Policy Team on (01892 602008) or email Nplans@wealden.gov.uk

If you or somebody you know, would like this form in large print, braille, audio tape/CD or in another language, please let us know.

1. Personal Details

For any comments to be considered you must at least provide your name and address (this can be an email address). Representations cannot be treated in confidence and copies of all representations, along with your name or organisation, will be made publicly available on the Council's website (in due course) and sent to the Examiner. However, the Council will not publish your personal contact information such as telephone numbers, email or private addresses. By submitting your views you confirm your consent to the above and that you accept full responsibility for your comments.

Personal Details	Answer
Title	Mrs
First Name	Polly
Last Name	Canning
Job Title and Organisation (if relevant)	Kember Loudon Williams
Address	Ridgers Barn, Bunny Lane, Eridge, Tunbridge Wells, Kent,
Postcode	TN3 9HA
Contact telephone number	
Email address	
Interest in the area (for example are you a resident, business owner or do you work in the proposed neighbourhood area)	Representing Elite Leisure, Salmons UK ltd, who have a controlling interest over the Bewl Water Estate and wish to register fomal objections to the provisions of the Plan.

2. Comments on the Neighbourhood Plan

Please use the space below to tell us your comments on the Neighbourhood Plan. It would be helpful if you can provide reasons and evidence for your comments. Please use additional sheets if necessary.

Please accept the enclosed letter, dated 10th July 2023, as formal representations to the Regulation 16 version of the emerging Wadhurst Neighbourhood Plan. These submissions have been prepared on behalf of Elite Leisure, Salmons UK ltd, who have a controlling interest over the Bewl Water Estate and who wish to register formal objections to the provisions of the Plan and to the legitimacy of its preparations.

Please note that previous representations have been lodged against the Neighbourhood Plan: July 2021 on the Regulation 14 version of the Plan and then in December 2022 on the Phase 2 Regulation 14 iteration. A copy of our formal submissions are attached in the letter for ease of reference at Appendix 1 and 2 respectively and should be considered alongside these representations.

3. Examination Participation (please tick if appropriate)

I would like to attend the examination in public, should it be deemed necessary by the appointed examiner.

4. Notification of Adoption (please tick if appropriate)

I would like to be notified of the local planning authority's decision on the adoption of the Wadhurst Neighbourhood Plan (under Regulation 19 of the Neighbourhood Planning (General) Regulations 2012(as amended)

Data Protection Statement

Wealden District Council is committed to ensuring that your privacy is protected and will only use and store your personal data in line with the UK General Data Protection Regulation 2021 and Data Protection Act 2018. We are required to collect and hold your personal information as part of the consultation process in formulating the Neighbourhood Plan. All comments will be publicly available and identifiable by name and (where applicable) organisation. We will not disclose your personal data to any third parties, unless we need to do so to provide a service to you or we are legally required to do so. We may share your personal data with other Council departments in order to provide the service you have requested.

Our Privacy Policy sets out how we collect, use and securely hold your data and can be viewed at: https://www.wealden.gov.uk/transparency-spending-andperformance/data-protection/privacy-policy/ and our planning policy privacy notice at: https://www.wealden.gov.uk/transparency-spending-and-performance/data-protection/privacy-policy/

Signature	POLLY CANNING	10.07.23 Date

Please print name if submitting electronically

Kember Loudon Williams
PLANNING & DEVELOPMENT CONSULTANTS

My Ref: 19/115

Planning Policy
Wealden District Council
Vicarage Lane
Hailsham
BN27 2AX

By Email: Nplans@wealden.gov.uk

10th July 2023

Dear Sir or Madam,

Wadhurst Neighbourhood Plan Regulation 16 Consultation (2023)

Please accept this submission as formal representations to the Regulation 16 version of the emerging Wadhurst Neighbourhood Plan. These submissions have been prepared on behalf of Elite Leisure, Salmons UK ltd, who have a controlling interest over the Bewl Water Estate and who wish to register formal objections to the provisions of the Plan and to the legitimacy of its preparations.

Please note that previous representations have been lodged against the Neighbourhood Plan: July 2021 on the Regulation 14 version of the Plan and then in December 2022 on the Phase 2 Regulation 14 iteration. A copy of our formal submissions are attached for ease of reference at **Appendix 1 and 2** respectively and should be considered alongside these representations.

On both previous occasions, we expressed **fundamental concerns with the Neighbourhood Plan placing unjustifiable, unqualified and unnecessary restrictions on Bewl Water**. These concerns, endorsed by Wealden District Council, have not been satisfactorily addressed - our substantive objections to the Plan therefore remain.

01892 750018 | enquiries@klw.co.uk
Kember Loudon Williams LLP, Ridgers Barn, Bunny Lane, Eridge, Tunbridge Wells, Kent TN3 9HA
Registered in England & Wales at the above address Registered Partnership No. OC362839 VAT No. 112 5050 72

Basic Conditions

Before a Neighbourhood Plan can proceed to referendum it must be tested against the "basic conditions" (set out in Paragraph 8 of Schedule 4b of the Town and Country Planning Act 1900 - as amended). In order to meet the basic conditions, the Plan must, inter alia:

- comply with national policy and advice in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies contained in the development plan for the area; and
- be compatible with EU obligations

If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted the plan may not be able to proceed to referendum.

A number of policies in the draft plan relating to Bewl Water **do not meet the basic conditions tests**. Specific comments are raised in relation to the following policies:

Policy WAD 16: Local Green Spaces
Policy WAD 14: Bewl Water Reservoir Area and Associated Public Activities
Policy WAD 18: Important Community Facilities
Policy WAD 11: Supporting Sustainable Rural Tourism

Policy WAD 16 Local Green Spaces (LG13)

We continue to raise an objection to the designation of large parts of the operational core of the Bewl Estate as Local Green Space (Policy WAD16). It is an overly and unnecessary restrictive policy designation that demonstrably fails two of the basic condition tests: 1) compliance with national policy; and 2) contribution to the achievement of sustainable development.

In order to designate land as Local Green Space the Parish Council must ensure that it is able to demonstrate robust evidence to meet national policy requirements as set out in the NPPF. Paragraph 102 of the NPPF (2021) requires that a Local Green Space designation should only be used where the green space is in reasonably close proximity to the community it serves; is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of

land. When identifying Local Green Space, plan-makers (the Steering Group in this instance) must demonstrate that the requirements for its designation are met in full.

Taking these basic requirements into account, it is clear that the available evidence supporting, justifying and underpinning the draft Neighbourhood Plan is not sufficiently robust to justify the proposed allocation of thirteen hectares of land at Bewl Water as Local Green Space.

The Steering Group refer to the fact that this is a rural parish and "*in the context of the size of the whole of the Bewl site, the proposed LG13 at 13 ha is not considered to be extensive*" (Paragraph 2.83 from the Consultation Statement April 2023). However, there is no such distinction for the size of Local Green Space designations between urban and rural areas in the NPPF.

By any standards, thirteen hectares (thirty-two acres) amounts to an "extensive tract of land". Moreover, the Steering Group refer to a piece of research undertaken by the Campaign to Protect Rural England (February 2022) to justify the size of the designation of land at Bewl – 'Local Green Space – A tool for people and nature's wellbeing' (February 2022). This research makes reference to a 46.5 hectare site, which has been designated as Local Green Space. However, the CPRE report gives no site-specific details about where the piece of land is located in the country, whether it is within easy walking distance of the community served and why it has been designated as Local Green Space. There is absolutely no evidence within the CPRE report for it to be used to as justification for designating Bewl as Local Green Space.

In any event, each case must be considered on its own merits. In this case, Bewl Water lies in the countryside, in the High Weald Area of Outstanding Natural Beauty (AONB), where there is a long -standing presumption against inappropriate development. The NPPF is clear that great weight should be given to conserving and enhancing the landscape and scenic beauty in the AONBs and states that the scale and extent of development within these designated areas should be limited. For the third time of writing, we question the justification for the additional designation of a Local Green Space and set out that these existing levels of protections are demonstrably sufficient to protect the area within the need to prescribe further restrictions.

The issue of whether Local Green Space meets the criteria for designation has been explored in depth in a number of Examiner's Reports across the country. In these cases the sites have been examined in depth and independently and professionally scrutinised. Examples include:

- The Oakley and Deane Neighbourhood Plan Examiners Report recommended the deletion of a Local Green Space measuring approximately 5 hectares. The Inspector found it to be an extensive tract of land and that it was some considerable distance (750 meters) from the community it served.

- The Backwell Neighbourhood Plan Examiner's Report recommended the deletion of two Local Green Space designations measuring approximately 19 hectares and 32 hectares respectively and found both designations did not have regard to national policy which states that Local Green Space should only be used where the area concerned 'is not extensive tract of land'.

There is no apparent definition of the phrase "extensive tract of land", nor is there any hard or fast rule about "reasonably close proximity to the community it serves". All places are different, and degree of judgement will be needed. In our professional and considered opinion, and having regard to evidence from other public examinations, the Local Space Designation is not close to the community it serves and is extensively large to meet the requirements of national policy to qualify for designation.

Significantly, the District Council shares this view. Extracts from the Council's two responses on the Regulation 14 of the Plan, dated 11th August 2021 and subsequently on 21st December 2002, prepared by experienced, professional senior planning officers are provided below in Figure 1 for ease of reference.

Extract (page 4) Wealden District Council response on Regulation 14 of the Plan dated 11th August 2021

Bewl Water LG13	The LGS designation is 14 ha which represents an extensive tract of land. It is too big for LGS designation and it is located some distance from any settlements in the neighbourhood 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 things. Furthermore Bewl Water constitutes an important infrastructure asset and expansion/upgrading of infrastructure requirements would outweigh any Local Greenspace designation.

Extract (page 9) from Wealden's District Council's comments on the Neighbourhood Plan (21st December 2022)

Bewl Water Recreation Area LG13	The LGS designation is 13 ha which represents an extensive tract of land. It is too big for LGS designation and it is located some distance from any of the settlements in the neighbourhood 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. Furthermore, Bewl Water constitutes an important infrastructure asset and expansion/upgrading of infrastructure requirements would outweigh any Local Greenspace designation. The distance from Wadhurst village and Cousley Wood is also an issue.

Figure 1: Extracts from Wealden District Council to the Wadhurst Neighbourhood Plan Steering Group

The requirements of the NPPF are supplemented by the advice and guidance contained in the National Planning Practice Guidance note (PPG). The PPG states that Local Green Space designations will rarely be appropriate where the land has planning permission for development (Paragraph 11 Reference ID: 37-011-20140306).

There is an extant permission on the site for a campsite (LPA Ref: WD/2020/0717). This was granted on 16th November 2020. This was approved as a 'trial run' to allow the campsite to become established and to enable the Council to evaluate the effects of the use on the amenity of local residents and on the quality and character of the wider locality bearing in mind it status of the area as part of the High Weald Area of Outstanding Natural Beauty. This temporary consent is due to expire at the end of this year's camping season (i.e. 30th September 2023) and a subsequent application has been submitted to secure consent for the continued use of the land as a campsite.

The PPG also states that "*designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land is suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making*".

Alongside professional planning officers at Wealden District Council, we have fundamental concerns about the Local Green Space designation introducing a new tier of governance akin to Green Belt policy. This would mean that the land withing the Local green Space would have one of the most powerful protections against new development that the planning system has to offer.

Bewl is a long established and regionally important location for formal and informal leisure and there must continue to be policy support for this well-established tourist and outdoor recreational business to diversify, expand or intensify. There is considerable scope to lift the physical quality and landscape at Bewl through sensitive, integrated and landscape-led regeneration and design. There is also considerable scope to further support the sustainable growth of tourism at the site and encourage the provision further of limited overnight accommodation: all in accordance with long established policies supporting rural diversification and the rural economy.

However, many local residents have a long-standing resistance to any change at Bewl. Taking recent applications and appeal successes into account, we have reasonable concerns that this draft designation is similarly being used in an unqualified and unreasonable attempt to limit and constrain development at Bewl.

The NPPF is crystal clear that sustainable development (which includes rural diversification and sensitive tourism growth) should proceed. The use of a Local Green Space designation to restrict suitable development from coming forward does not accord with the positive approach to growth requirement by the NPPF.

Policy WAD 14: Bewl Water Reservoir Area and Associated Public Activities

Policy WAD 14 is a restrictive policy. As currently drafted, it only supports development proposals for local community uses at Bewl, including those falling within Use Class F2 b "*a hall or meeting place for the principal use of the local community*" and those falling within Use Class F2 c "*an area or place for outdoor sport or recreation*".

Bewl is privately owned and commercial arrangements in place with Southern Water regarding the lease and tenure of the site. Whilst it benefits from public access, it is not a park or a public site. Visitors are required to pay to park their cars, gates are closed in the evenings and security guards manage and patrol the site at night.

Bewl must be financially viable. Given recent pressures and uncertainties in the economy, the current tenants have been exploring a strategy of providing overnight accommodation at Bewl. This strategy falls in line with the NPPF and the Wealden Local Plan: both contain policies which support development for new and extended tourist attractions and facilities if regard is given to its countryside location and the High Weald AONB.

In February this year, an appeal was allowed to convert a redundant fishing lodge into four holiday lets at the site (Ref: APP/C1435/W/22/3294192) with the Inspector acknowledging that "*The proposed holiday lets would make a small but positive contribution to tourism accommodation in the area of which the Council indicate there is presently an identified shortage. Furthermore, the proposal would facilitate year-round occupancy which will encourage greater long-term spending both on site and within the surrounding area*". (Paragraph 10).

The Regulation 16 version of the Plan does not, however, acknowledge the outcome of this appeal decision and still includes a damming and critical paragraph blaming this appeal scheme (and others) for negatively affecting the site and threatening the areas attractiveness. An extract from Paragraph 9.27 is provided below:

"*Since Southern Water sold on a long lease the recreational and leisure area with its associated businesses in 2007 a trend towards commercialisation that has negatively affected use of the reservoir for sailing as well as some of the area's tranquillity and is starting to adversely impact public accessibility for informal recreation and threaten the area's attractiveness*".

Paragraph 9.27 is completely unjustified and should be removed in its entirety.

As explained in our previous representations, when the current tenant started managing Bewl in 2016, the Sailing Club had already been disbanded. Since taking over the site, Salomons UK Ltd have worked hard to bring sailing back to Bewl and to make it accessible to as many people as possible. Meanwhile the company has also invested heavily in other water-based activities including windsurfing, fishing, wing-foiling, stand-up paddle boarding and open water swimming. Like sailing, membership numbers have demonstrably increased across the board in all of the above-mentioned water-based activities. For information, attached at **Appendix 3** is a table setting out the range of water-based activities available at Bewl and the growth in membership numbers since 2016.

Unfortunately, the site does not look after or pay for itself. The site needs 24-7 management and appropriate funding thresholds to maintain and look after all public access routes on site. Commercial projects, such as the approved appeal scheme, are therefore required to fund the maintenance of the site and its environment including managing woodland, hedges, waterways etc..

The Neighbourhood Plan should be supportive of the whole business by allowing sensitive expansion and diversification and other forms of sustainable development on site. Development should not be exclusively restricted to local community uses only, as suggested in draft Policy WAD14 – this is patently wrong.

We wish to also draw the Council/Inspector to another comment raised from the Steering Group where they refuse to acknowledge the regional importance of the Bewl Water. Page 157 of the Consultation Statement (April 2023) states the following:

Response from Steering Group
Policy WAD14 is not designating "private land for non-profit community-based activities", as alleged. The rep claims that "Bewl is acknowledged as being regionally important for tourism and recreation" but only Bewl & WDC acknowledge this, others do not. "It is a valued and important amenity/leisure/recreational space for everyone to enjoy and have access to" – all the more reason to protect it. The SG would seek to retain the concept of a club house that enable wider public access.

***Figure 2** : Extract from Page 157 of the Consultation Statement (April 2023)*

Bewl clearly serves a wider regional population catchment and does not exist for the sole use of the local community. It is a valued and important amenity, leisure and recreational space for everyone, including those that reside beyond the Parish (i.e. the south east of England).

It is deeply concerning that the Steering Group has drafted a site-specific policy for Bewl Water when they refuse to acknowledge that the site has regional importance. There is a clear lack of understanding as to how the site operates, is funded and maintained. On this basis, and for the reasons provided above and repeated in early representations, **Policy WAD14 fails the basic condition tests and should be removed in its entirety.** It is not the purpose of the planning system to unilaterally designate private land for non-profit community-based activities, however laudable this may be.

WAD18 Important Community Facilities

Policy WAD 18 safeguards facilities and assets that have been identified as being particularly important to the local community. The footpaths and open water at Bewl, alongside 25 other assets, are identified at Paragraph 10.3 as being particularly important and mapped. The map at Figure 10.1, however, only identifies the reservoir itself as being the important asset - it does not for instance specifically identify the footpaths of importance.

The supporting text to this policy states at 10.4 that some of the facilities identified on the list of important community facilities are already adequately protected through other policies in the draft Plan. Bewl Water is referenced as an example - as the open green space is already designated in the Plan as a Local Green Space. There is a however a huge discrepancy between the importance of “footpaths and open water” and the importance of 13ha of private land, designated as Local Green Space. The two are not the same.

There is largely unrestricted public access around the whole of the reservoir, marked by public rights of way. A map of the walking and cycle routes available around Bewl has been provided at Figure 3 below to demonstrate this point.

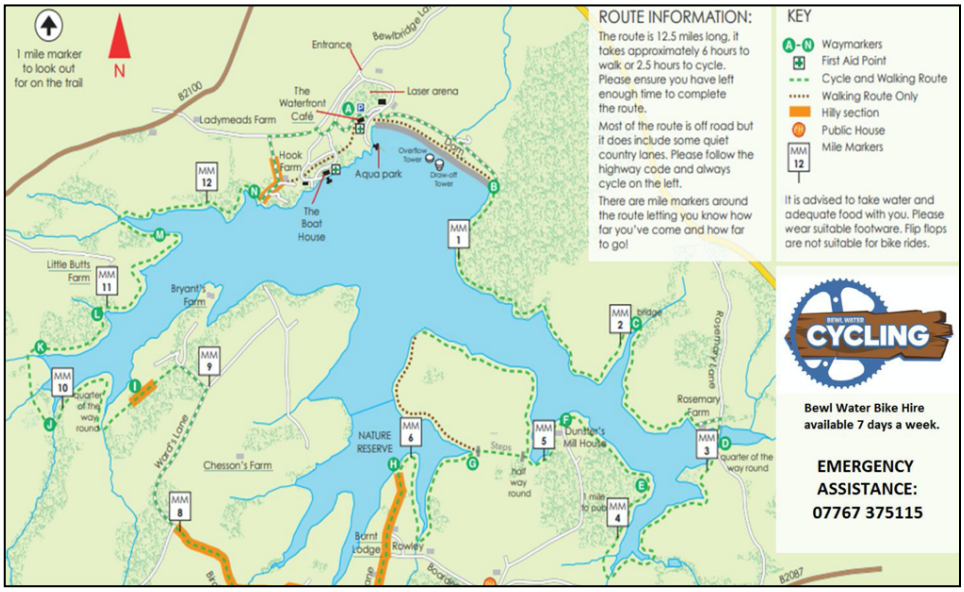

Figure 3: *Map of the Walking and Cycle routes around Bewl*

These rights of way are protected under other legislation. There is, therefore, absolutely no need or justification to provide further protection to these footpaths within Policy WAD18. Similarly, the reservoir is an important water resource that is also protected under its own legislation. Again, **there is therefore no need to include any reference to Bewl Water in Policy WAD18 and we respectfully request that it is removed altogether.**

Policy WAD11: Supporting Sustainable Rural Tourism

As drafted, this policy limits sustainable rural tourism opportunities to existing buildings only. This is because Policy WAD11 is drafted as a criteria-based policy and the first criterion on the is:

i. *The proposal must involve the redevelopment or diversification of an existing building*.

There is no justification given for this restrictive approach, which is actively supressing diversification. **It is contrary to the NPPF, and the strategic policies contained in the development plan for the area which encourage and support tourism more generally to adapt and change. The policy clearly fails the basic conditions test.**

If this policy is not changed, there would for instance be no support in the Neighbourhood Plan for any campsites. In our view, such facilities personify the meaning of sustainable tourism and should be encouraged. This view is also wholly in line with the Government, who have continually showed support for campsites through the relaxation of permitted development rights, extending the amount of days campsites are allowed to operate per calendar year without the need to apply for planning consent.

The policy either needs to be removed in its entirety or it needs to be reworded to be more positive and supporting of all sustainable tourism initiatives.

Conclusions

Once again, we express our concerns that the Neighbourhood Plan is seeking to restrict development at Bewl by designating the majority of the site as a Local Green Space, and showing support for development opportunities relating to local community uses only. There has to be acknowledgement in the Plan that this is a regionally important site and that is run as a commercial business operation. To meet the basic conditions test, the plan should:

- Remove the Bewl Water Recreation Area LG13 from Policy WAD16 (Local Green Space);
- Not have a site-specific policy for Bewl Water (i.e Policy WAD14) unless the Steering Group can do a volte face and support, rather than undermine, the commercial operations at the site;
- Remove any reference to Bewl in Policy WAD 18; and
- Reword Policy WAD11 (Supporting Sustainable Tourism) so that it is more positively worded and not so restrictive.

Yours faithfully

POLLY CANNING

Polly Canning MRTPI
Associate Planner
Kember Loudon Williams

Appendices

Appendix 1: Representations on the Regulation 14 version of the Neighbourhood Plan Letter dated 27th July 2021.

Appendix 2: Representations on the Phase 2 Regulation 14 version of the Neighbourhood Plan – Letter dated 22nd December 2022

Appendix 3: Table setting out the range of water-based activities available at Bewl and the growth in membership numbers since 2016.

APPENDIX 1

Kember Loudon Williams
PLANNING & DEVELOPMENT CONSULTANTS

My Ref: 19/115

Wadhurst Neighbourhood Plan Steering Group
By Email: wadhurstnpp@gmail.com

27th July 2021

Dear Sir or Madam,

Regulation 14 of the Wadhurst Neighbourhood Plan

We write in response to the consultation exercise on the Regulation 14 version of the Wadhurst Neighbourhood Plan on behalf of our client the Elite Leisure, Salomons UK Ltd, who have a controlling interest over the Bewl Water Estate.

The draft version of the neighbourhood plan refers to five key aims to deliver the vision for the future of the Parish. Two in particular are relevant to Bewl:

- to support and extend business and employment opportunities; and
- to promote and deliver improvements to leisure activities and facilities.

Both are laudable aims. However, in complete contradiction of these objectives, Policy PEN5 of the draft plan (Local Green Space Designation) seeks to designate a large part of the operational core of the Bewl Estate (LG13: Bewl Reservoir Recreation Area) as 'Local Green Space'. The draft text to this policy states:

"*Proposals for any development in these designated areas will not be supported. There will be a presumption against development on these sites and development will only be supported if they are essential to meet necessary utility infrastructure needs and no alternative feasible site is available*".

Clearly, Policy PEN5 directly contradicts the stated aims of the plan which seek to support businesses and to promote and deliver improvements to leisure activities and facilities. Both of which are critical to the commercial well-being of the Parish as 'we' emerge from the pandemic.

01892 750018 | enquiries@klw.co.uk
Kember Loudon Williams LLP, Ridgers Barn, Bunny Lane, Eridge, Tunbridge Wells, Kent TN3 9HA
Registered in England & Wales at the above address Registered Partnership No. OC362839 VAT No. 112 5050 72

There is absolutely no environmental/planning/amenity justification whatsoever for LG13: Bewl Reservoir Recreation Area to be included in Policy PEN5. The site and operational core lie in the countryside in the High Weald Area of Outstanding Natural Beauty (AONB) where there is a long-standing presumption against inappropriate development and environmental and amenity constraints prevail. We therefore strongly object to the inclusion of this piece of land into the Plan and the associated unqualified restriction on all development in circumstances where sustainable tourism and recreational development should be encouraged.

Basic Conditions

A neighbourhood plan must comply with basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) in order to proceed to referendum. These state that the plan must:

- Have regard to national policies and advice, such as the National Planning Policy Framework ("NPPF");
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies in the development plan for the area; and
- Be compatible with European obligations and human rights requirements.

It is our assertion that the plan fails to meet these basic conditions for the reasons set out below.

Local Green Space Designation

NPPF paragraphs 99, 100 and 101 are specifically related to Local Green Space designation. Paragraph 99 stipulates that local communities can identify, through local and neighbourhood plans green areas of particular importance to them to be granted special protection as Local Green Space. Paragraph 100 expands on how the appropriateness of such applications should be judged, including guidance on proximity, significance and scale of a proposed site. It states that Local Green space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;
b) demonstrably special to a local community and holds a particular local significance; and
c) local in character and is not an extensive tract of land.

Paragraph 101 clarifies that local policy for managing development within Local Green Spaces should be consistent with Green Belt policy. This means that a Local Green Space could not be developed upon unless there are "very special circumstances".

The Planning Practice Guidance (PPG) provides useful additional information on how the government see Local Green Space designations being used. Key points include:

- Local Green Space should not be used in a way that undermines the aim of plan making (plans must identify land in suitable locations to meet identified development needs);
- Local Green Space will rarely be appropriate where the land has planning permission for development;
- Proximity of Local Green Spaces to the community it serves depend on local circumstances. If public access is a key factor then the site would normally be reasonably close and within easy walking distance of the community it serves.
- Where sites are not in public ownership, the neighbourhood plan group should contact landowners at an early stage about proposals to designate land;
- This designation should not be used as a 'back door' means of achieving Green Belt by another name.

Local Green Space is a restrictive and significant policy designation equivalent to a Green Belt designation. It is essential therefore when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full. This is not the case here, as demonstrated in the table below.

Issue	Criteria	Check
Size	The site should feel local in character and not be an extensive tract of land.	Site LG13 is not local in character. Instead the site comprises of part of a regionally important facility for sport, recreation and tourism. The site itself does not have a well-defined boundary, instead it is part of a much bigger complex. Finally, at 14 hectares site LG13 qualifies as an "extensive tract of land". **Fail.**
Proximity	The site should be in reasonably close proximity to the community it serves.	The fact that LG13 is not even visible on the map of Local Green Space designations (Figure 16, page 66 of the Plan) is clear evidence that the site is not within close proximity to the majority of residents within the Parish of Wadhurst. The Steering Group's assessment of the site (as set on page 25 of Appendix A – 'Local Green Spaces, Green Gaps and Distinctive and Highly Valued Views') refers to residents walking to the site from Wadhurst village. This is a 2.5-mile walk, which is not a reasonable or easy walking distance. **Fail.**
Existing Permission	Allocation of a site with an existing planning permission on it will not be permitted	WD/2020/0717 – Consent was granted on 16th November for a campsite for up to 80 pitches for a period of 3 years. **Fail**

As can be seen from the table above the proposed designation fails the tests of size and proximity as set out in Paragraph 100 of the NPPF. There is also an existing permission for a campsite on this piece of land and so the designation also fails to comply with Planning Practice Guidance. The Local Green Space Policy designation for Bewl Water Reservoir and Recreation Area – therefore fails to meet the basic condition of having regard to national policies and advice.

It is not unreasonable to conclude that the draft designation is being used cynically as a "back door" means to achieve what would amount to a new area of Green Belt by another name, contrary to the PPG (Paragraph: 015 Reference ID: 37-015-20140306).

Contributing to the Achievement of Sustainable Development

At the heart of the NPPF is a 'presumption in favour of sustainable development'. There are three pillars to sustainability: environmental protection, economic viability and social equity. These three objectives are interdependent and need to be pursued in mutually supportive ways.

In terms of environmental protection, a number of statutory duties and long standing planning policies are already in place to ensure that natural and valued landscapes are protected and enhanced. The NPPF for instance is clear that great weight should be given to conserving and enhancing the landscape and scenic beauty in AONBs and states that the scale and extent of development within these designated areas should be limited. We therefore question the justification for the additional designation of a Local Green Space and set out that these existing levels of protection are demonstrably sufficient to protect the area without the need to prescribe further restrictions and hinder valued business, tourist and recreational project for which, the very life and environmental quality of Bewl Water relies. It is these activities that fund the maintenance of the site and its environment.

In terms of the economy, a big message that comes across in the Neighbourhood Plan is support towards the high street, local businesses and encourage sustainable tourism. This replicates national policy which sets out that planning policies should help create the conditions in which businesses can invest, expand and adapt. With regards to supporting a prosperous rural economy the NPPF makes specific reference at Paragraph 83 to the need for planning policies "*to enable sustainable rural tourism and leisure developments which respect the character of the countryside*".

This policy message is also carried through in local policy in the form of the Core Strategy which notes that that the High Weald AONB is one of the important features of the area that will attract visitors to Wealden and that employment-related tourism is a significant contributor to the economic performance of the District (paragraph 3.27). Part of the Council's strategy is stated as being:

- Encouraging and supporting tourism to adapt and change and to provide the opportunity to extend the length and frequency of visits;
- Encouraging appropriate tourism initiative which promote use of environmental recreation resources in an environmentally responsible manner;
- Supporting the improvement of the quality of existing attractions, where appropriate, and
- Improving the quality of recreational opportunities and managed access to sites of tourism potential.

As set out at the start of our letter, the proposed Local Green Space designation at Bewl goes completely against the stated aims in national and local policy and also, staggeringly, the aims of the neighbourhood plan itself. It is not acceptable for this part of the Bewl centre to have development restrictions placed on it in accordance with the currently drafted text of Policy PEN5 (which states that any development within a Local Green Space designation will not be supported unless it is essential infrastructure) and this approach is fundamentally flawed.

Instead of placing such restrictions on the business, the neighbourhood plan should be showing support to Bewl to help it expand in a sustainable manor. This in turn would bring more visitors to the area, would increase spend in the village and provides further employment opportunities.

The importance of Bewl to the region's tourism industry is long established. Control of the site passed to our clients in 2016 and the business has invested heavily during the past 4 years to continue to improve the leisure, recreation and tourism offer. During this period out clients obtained consent for the campsite which had the support from Wealden District Council and the Tourism Board. However, there was no support whatsoever for this facility from the Parish Council which was disappointing.

It is clear and evident that this draft Local Green Space Designation is mischievously being used as a mechanism to stop anything else happening on this site (such as extending the lifespan of the camping consent). It is important that the activities, facilities and events at Bewl be allowed to continue to improve over time to respond to visitors

needs and demands (within the confines of the existing protectionist countryside policies). The Parish's support in this regard would be welcomed.

Turning lastly to the third pillar of sustainability and the social objective of supporting strong, vibrant and healthy communities. Bewl is clearly a valued facility for the local community, but it is also important to recognise that it is a valued space for people outside the area too. It is a long established and regional important leisure destination which provides a warm welcome to residents and visitors alike. The facilities on offer engages people with nature and contributes to their health and wellbeing. Instead of resisting any development at this part of Bewl, the neighbourhood plan should be supporting the leisure facilities and appreciating the benefits that such facilities bring to the wider community.

Conclusion

The neighbourhood plan, as currently drafted, is restricting development at Bewl. This is not appropriate and on this basis the plan will fail the basic condition test at examination - it is not in general conformity with the strategic policies in the development plan for the area, it does not have regard to the NPPF and it does not contribute to the achievement of sustainable development.

Significant changes must be made to plan. In particular we wish to ensure that the plan removes LG13: Bewl Reservoir Recreation Area from Policy PEN5. Not only this, we would also appreciate greater support towards the business and ideally we would like to see specific reference to this in the plan with a policy allowing for expansion and diversification at the site.

Yours sincerely

POLLY CANNING

Polly Canning MRTPI
Associate Planner
Kember Loudon Williams

APPENDIX 2

Kember Loudon Williams
PLANNING & DEVELOPMENT CONSULTANTS

My Ref: 19/115

Wadhurst Neighbourhood Plan Steering Group
Wadhurst Parish Council
The Pavillion
Sparrows Green Recreation Ground
South View Road
Wadhurst
TN5 6TW

By Email: clerk@wadhurst-pc.gov.uk

22nd December 2022

Dear Sir or Madam,

Phase 2 Regulation 14 of the Wadhurst Neighbourhood Plan (2022)

We write in response to the Parish Council's Phase 2 consultation exercise on the Regulation 14 version of the Wadhurst Neighbourhood Plan. These submissions have been prepared on behalf of the Elite Leisure, Salomons UK Ltd, who have a controlling interest over the Bewl Water Estate.

We made representations on the Council's last iteration of the Neighbourhood Plan on 27th July 2021. You'll recall that we raised concerns over the validity of the plan and its soundness having regard to the legal test for plan preparation. With regard to Bewl that initial plan placed unjustifiable and unnecessary restrictions on Bewl Water and the ability to diversify its recreational and tourism base/use in response to ever changing pressures: economic, social and environmental.

The Phase 2 Pre-Submission Regulation version of the Plan does not address our concerns and therefore our substantive objection to the Plan remains. For ease of reference, I have attached a copy of our July 2021 submissions. In addition to these representations, there are three policies in particular which we wish to specifically comment on Policies: WAD16: Local Green Spaces, WAD14: Bewl Water Reservoir Area, and WAD11: Supporting Sustainable Rural Tourism.

01892 750018 | enquiries@klw.co.uk
Kember Loudon Williams LLP, Ridgers Barn, Bunny Lane, Eridge, Tunbridge Wells, Kent TN3 9HA
Registered in England & Wales at the above address Registered Partnership No. OC362839 VAT No. 112 5050 72

Policy WAD16 Local Green Spaces

We continue to raise an objection to the designation of the Bewl Water Reservoir Recreation Area (LG13) as a Local Green Space.

In our previous representations we highlighted that there were absolutely no environmental/planning/amenity justifications whatsoever for the designation of LG13 as a Local Green Space. We also raised concern about the new 'Local Green Space' designation introducing a new tier of governance akin to Green Belt policy and that the designation was clearly being used to limit and constrain development at Bewl.

We note that the District Council shared this view and their response on the Regulation 14 of the Plan, dated 11th August 2021, raised a specific objection to the proposed

Bewl Water LG13	The LGS designation is 14 ha which represents an extensive tract of land. It is too big for LGS designation and it is located some distance from any settlements in the neighbourhood 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 things. Furthermore Bewl Water constitutes an important infrastructure asset and expansion/upgrading of infrastructure requirements would outweigh any Local Greenspace designation.

It is disappointing and surprising therefore, that the Parish Council have retained the Local Green Space designation rin the Neighbourhood Plan, despite our earlier submissions and the clear objection from Wealden District Council: The Planning Authority.

I am sure you are aware that the regulations pertaining to the preparation of Neighbourhood Plans are explicit that the purpose of a Neighbourhood Plan is not to stop development. The Government has made it clear that is not a tool for residents to opposed development close to them. Furthermore, the guidance document "Making Local Green Space Designations in your Neighbourhood Plan" explicitly states on page 7 that:

"*Care is required to ensure that green space policies are not misused, for example through making designations to stop development, rather than to ensure proper green space provision*".

Kember Loudon Williams
PLANNING & DEVELOPMENT CONSULTANTS

Appendix E from the draft Neighbourhood Plan attempts to justify the reasoning behind the inclusion of LG13: Bewl Water Reservoir Recreation and Leisure Area as a Local Green Space, with the table on page 155 stating that the site is "demonstrably special" because of its recreational value and because of its beauty. The justification for the recreational value appears to be the results from a household survey regarding public open spaces which identified that many respondents used Bewl for recreational purposes (such as informal activities, dog walking and/or organised sport). This is positive and should be encourage further.

However, the recreational value of Bewl should come as no surprise to anyone. Bewl is a long established and **regionally important** location for formal and informal leisure. This does not mean that it should be protected for its own sake. As previously stated in earlier representations, a number of statutory duties and long-standing planning policies are in place to ensure that this valued landscape in the High Weald AONB is protected and enhanced. These include:

- Chapter 15 of the NPPF which focusses on 'Conserving and enhancing the natural environment and paragraph 176 which emphasises that great weight should be given to "*conserving and enhancing landscape and scenic beauty in…Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues*".

- Wealden Core Strategy Local Plan Policy WSC 13 which protects existing open space and Wealden's spatial planning objective SPO1 which protects the distinct landscape of the district.

- Saved policies from the Wealden Local Plan (1998) including Policy EN6 which states that development within the High Weald AONB will only be permitted if it conserves or enhances the natural beauty and character of the landscape. It then lists 8 criteria which all development proposals in the AONB will need to have regard to.

- The High Weald AONB Management Plan (2019-2024) which sets out long term objectives for conserving the AONB landscape.

All of the above have been subject to public scrutiny and, in the case, of adopted polices, rigorous assessment through Examination in Public. These existing levels of protection are demonstrably sufficient to protect the Bewl area.

With regards to Local Green Space designations in particular, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (PPG) clearly set out how the Government view and consider Local Green Space designations. In this regard, the proposed draft designation at Bewl fails the test of size and proximity (as set out in Paragraph 100 of the NPPF). There is also an extant planning permission for a campsite on the land identified. In view of this, the designation also fails to comply with the PPG (Paragraph 015 Reference ID: 37-015-20140306).

Criteria	Test	Assessment
Size	"*The Local Green Space designation should only be sued where the green space is local in character and is not an extensive track of land*". Paragraph 102c of the NPPF.	LG13 is 13 hectares which represents an extensive tract of land. The blanket designation of this area of open countryside is not appropriate. **Fail.**
Proximity	*"The site should be in reasonably close proximity to the community it serves".* Paragraph 102a of the NPF	The site is not within close walking distance or proximity to the majority of residents within the Parish of Wadhurst. **Fail.**
Existing Permission	"Local Green Space designation will rarely be appropriate where the land has planning permission for development".	WD/2020/0717 – Consent was granted on 16th November 2020 for a campsite for up to 80 pitches for a period of 3 years. **Fail**

Fundamentally, LG13 does not meet strict Government criteria for Local Green Space designations as it fails the testes in the NPPF and the PPG and occupies that a space that is already protected by long standing and fully tested policies aimed at protecting the AONB and the countryside. As a result, we ask that this Local Green Space designation is removed from the Plan.

Policy WAD14: Bewl Water Reservoir Area

We acknowledge and are supportive of the provision of local community uses at Bewl Water. However, the current framing of draft Policy WAD14 to provide a community facility on site on a **non-proprietary basis** (i.e. not owned by any company) is naïve and unrealistic. The policy intervenes in the free market to such an extent that it is simply not workable or viable.

In essence what is being sought is the gifting of land, a community building, for community uses and hitherto unspecified recreational uses with an absolute and total disregard to the commercial and practical realities of paying for and maintaining such a facility.

Bewl is privately owned. Whilst there are commercial arrangements in place with Southern Water regarding the lease and tenure of the site, it is not a public site. Whilst it benefits from public access, it is the sensitive diversification and management of the site to tourist and recreational uses (such as the campsite) that fund the maintenance of the entire site and its environment (including woodland, hedges, waterways). The current tenants of the site already maintain all public access routes on site, including all of the cycle ways, footpaths, hedgerows. In simple terms, these do not pay for themselves. The tenants have invested heavily into Bewl as a whole to make it more accessible to the general public, for the benefit of all users of the site.

The NPPF states at Paragraph 16b plans should "*be prepared positively, in a way that is aspirational but deliverable*". In this instance, whilst we understand the aspirations behind this policy, in reality the policy is unrealistic, naïve and undeliverable – nor does it past the basic conditions tests. It is not the purpose of the planning system or Parish Council's to unilaterally designate private land for non-profit community-based activities however laudable this may be.

Finally, we feel it is important to address the statement at Paragraph 9.25 in the supporting text to this policy, which states:

"*Since Southern Water sold on a long lease the recreational and leisure area with its associated businesses in 2007, a trend towards commercialisation has negatively affected use of the reservoir for sailing as well as some of the area's tranquillity and is starting to adversely impact public accessibility for informal recreation and threaten the area's attractiveness*".

The text then provides examples of various applications that presumably are felt to have contributed to "threatening the area's attractiveness".

It is important to remember that Bewl is acknowledged as being regionally important for tourism and recreation. It correctly serves a wider regional population catchment – it does not exist for the sole use of the local community. It is a valued and important amenity/leisure/recreational space for everyone to enjoy and have access to – that includes those that reside beyond the Parish.

As things currently stand, there are no year-round facilities for overnight accommodation on site and it is only right that the current owners are seeking to rectify this. The provision of overnight accommodation will bring economic benefits by providing a sustainable income stream for the business, by providing year-round employment and by improving revenue streams in local shops, restaurants pubs and other tourist facilities within the area.

The approach taken in Paragraph 9.25 is unbalanced with no appreciation of the economic and social benefits that overnight accommodation can bring to the area. Instead of resisting development at this part of Bewl, the Neighbourhood Plan should be supporting the sensitive provision of overnight accommodation at Bewl through the conversion of existing buildings and in accordance with adopted policies and appreciate the benefits that such facilities bring to the wider community.

With regards to the comment about sailing, it is important to note that when the current tenant started managing Bewl in 2016, the Sailing Club had already disbanded. Since taking over the site, Salomons UK Ltd have worked hard to bring sailing back to Bewl and to make it as accessible to as many people as possible. Meanwhile the company have also invested heavily in other water-based activities including windsurfing, fishing, stand-up paddle boarding, and open water swimming. Like sailing, membership numbers have increased across the board in all of the above-mentioned water-based activities.

Policy WAD11: Supporting Sustainable Rural Tourism

We note that there is in fact support towards overnight accommodation in Policy WAD11 and this is very much welcomed. However, on closer expectation, we note that this support only extends to the redevelopment of an existing building, "*within its existing Use Class".*

The policy, as drafted, seeks to limit sustainable rural tourism opportunities to existing buildings only, with no justification for this. We do not believe the supporting evidence is sufficiently robust to justify this approach.

Furthermore, we see no logic behind the requirement to ensure that the redevelopment of an existing building has to be within its existing use class. It just does not make sense given that this will supress diversification rather than encourage it.

As a side note, the majority of redevelopment opportunities within the same use class do not require planning permission in any event.

By restricting development to existing use classes only, the policy is clearly contradictorily and frankly unworkable. We therefore request that criteria i be deleted from Policy WAD11.

Conclusions

The Neighbourhood Plan, as currently drafted, is restricting development at Bewl. This is not appropriate and on this basis the plan will fail the basic condition tests at examination - it is not in general conformity with the strategic policies in the development plan for the area, it does not have regard to the NPPF and for the reasons stated does not contribute to the achievement of sustainable development.

We hope you have found these representations helpful and constructive. If you have any questions, please do not hesitate to contact me.

Yours faithfully

POLLY CANNING

Polly Canning MRTPI
Associate Planner
Kember Loudon Williams

Encls.

Kember Loudon Williams
PLANNING & DEVELOPMENT CONSULTANTS

My Ref: 19/115

Wadhurst Neighbourhood Plan Steering Group
By Email: wadhurstnpp@gmail.com

27th July 2021

Dear Sir or Madam,

Regulation 14 of the Wadhurst Neighbourhood Plan

We write in response to the consultation exercise on the Regulation 14 version of the Wadhurst Neighbourhood Plan on behalf of our client the Elite Leisure, Salomons UK Ltd, who have a controlling interest over the Bewl Water Estate.

The draft version of the neighbourhood plan refers to five key aims to deliver the vision for the future of the Parish. Two in particular are relevant to Bewl:

- to support and extend business and employment opportunities; and
- to promote and deliver improvements to leisure activities and facilities.

Both are laudable aims. However, in complete contradiction of these objectives, Policy PEN5 of the draft plan (Local Green Space Designation) seeks to designate a large part of the operational core of the Bewl Estate (LG13: Bewl Reservoir Recreation Area) as 'Local Green Space'. The draft text to this policy states:

"*Proposals for any development in these designated areas will not be supported. There will be a presumption against development on these sites and development will only be supported if they are essential to meet necessary utility infrastructure needs and no alternative feasible site is available*".

Clearly, Policy PEN5 directly contradicts the stated aims of the plan which seek to support businesses and to promote and deliver improvements to leisure activities and facilities. Both of which are critical to the commercial well-being of the Parish as 'we' emerge from the pandemic.

01892 750018 | enquiries@klw.co.uk
Kember Loudon Williams LLP, Ridgers Barn, Bunny Lane, Eridge, Tunbridge Wells, Kent TN3 9HA
Registered in England & Wales at the above address Registered Partnership No. OC362839 VAT No. 112 5050 72

There is absolutely no environmental/planning/amenity justification whatsoever for LG13: Bewl Reservoir Recreation Area to be included in Policy PEN5. The site and operational core lie in the countryside in the High Weald Area of Outstanding Natural Beauty (AONB) where there is a long-standing presumption against inappropriate development and environmental and amenity constraints prevail. We therefore strongly object to the inclusion of this piece of land into the Plan and the associated unqualified restriction on all development in circumstances where sustainable tourism and recreational development should be encouraged.

Basic Conditions

A neighbourhood plan must comply with basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) in order to proceed to referendum. These state that the plan must:

- Have regard to national policies and advice, such as the National Planning Policy Framework ("NPPF");
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies in the development plan for the area; and
- Be compatible with European obligations and human rights requirements.

It is our assertion that the plan fails to meet these basic conditions for the reasons set out below.

Local Green Space Designation

NPPF paragraphs 99, 100 and 101 are specifically related to Local Green Space designation. Paragraph 99 stipulates that local communities can identify, through local and neighbourhood plans green areas of particular importance to them to be granted special protection as Local Green Space. Paragraph 100 expands on how the appropriateness of such applications should be judged, including guidance on proximity, significance and scale of a proposed site. It states that Local Green space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;
b) demonstrably special to a local community and holds a particular local significance; and
c) local in character and is not an extensive tract of land.

Paragraph 101 clarifies that local policy for managing development within Local Green Spaces should be consistent with Green Belt policy. This means that a Local Green Space could not be developed upon unless there are "very special circumstances".

The Planning Practice Guidance (PPG) provides useful additional information on how the government see Local Green Space designations being used. Key points include:

- Local Green Space should not be used in a way that undermines the aim of plan making (plans must identify land in suitable locations to meet identified development needs);
- Local Green Space will rarely be appropriate where the land has planning permission for development;
- Proximity of Local Green Spaces to the community it serves depend on local circumstances. If public access is a key factor then the site would normally be reasonably close and within easy walking distance of the community it serves.
- Where sites are not in public ownership, the neighbourhood plan group should contact landowners at an early stage about proposals to designate land;
- This designation should not be used as a 'back door' means of achieving Green Belt by another name.

Local Green Space is a restrictive and significant policy designation equivalent to a Green Belt designation. It is essential therefore when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full. This is not the case here, as demonstrated in the table below.

Issue	Criteria	Check
Size	The site should feel local in character and not be an extensive tract of land.	Site LG13 is not local in character. Instead the site comprises of part of a regionally important facility for sport, recreation and tourism. The site itself does not have a well-defined boundary, instead it is part of a much bigger complex. Finally, at 14 hectares site LG13 qualifies as an "extensive tract of land". **Fail.**
Proximity	The site should be in reasonably close proximity to the community it serves.	The fact that LG13 is not even visible on the map of Local Green Space designations (Figure 16, page 66 of the Plan) is clear evidence that the site is not within close proximity to the majority of residents within the Parish of Wadhurst. The Steering Group's assessment of the site (as set on page 25 of Appendix A – 'Local Green Spaces, Green Gaps and Distinctive and Highly Valued Views') refers to residents walking to the site from Wadhurst village. This is a 2.5-mile walk, which is not a reasonable or easy walking distance. **Fail.**
Existing Permission	Allocation of a site with an existing planning permission on it will not be permitted	WD/2020/0717 – Consent was granted on 16th November for a campsite for up to 80 pitches for a period of 3 years. **Fail**

As can be seen from the table above the proposed designation fails the tests of size and proximity as set out in Paragraph 100 of the NPPF. There is also an existing permission for a campsite on this piece of land and so the designation also fails to comply with Planning Practice Guidance. The Local Green Space Policy designation for Bewl Water Reservoir and Recreation Area – therefore fails to meet the basic condition of having regard to national policies and advice.

It is not unreasonable to conclude that the draft designation is being used cynically as a "back door" means to achieve what would amount to a new area of Green Belt by another name, contrary to the PPG (Paragraph: 015 Reference ID: 37-015-20140306).

Contributing to the Achievement of Sustainable Development

At the heart of the NPPF is a 'presumption in favour of sustainable development'. There are three pillars to sustainability: environmental protection, economic viability and social equity. These three objectives are interdependent and need to be pursued in mutually supportive ways.

In terms of environmental protection, a number of statutory duties and long standing planning policies are already in place to ensure that natural and valued landscapes are protected and enhanced. The NPPF for instance is clear that great weight should be given to conserving and enhancing the landscape and scenic beauty in AONBs and states that the scale and extent of development within these designated areas should be limited. We therefore question the justification for the additional designation of a Local Green Space and set out that these existing levels of protection are demonstrably sufficient to protect the area without the need to prescribe further restrictions and hinder valued business, tourist and recreational project for which, the very life and environmental quality of Bewl Water relies. It is these activities that fund the maintenance of the site and its environment.

In terms of the economy, a big message that comes across in the Neighbourhood Plan is support towards the high street, local businesses and encourage sustainable tourism. This replicates national policy which sets out that planning policies should help create the conditions in which businesses can invest, expand and adapt. With regards to supporting a prosperous rural economy the NPPF makes specific reference at Paragraph 83 to the need for planning policies "*to enable sustainable rural tourism and leisure developments which respect the character of the countryside*".

This policy message is also carried through in local policy in the form of the Core Strategy which notes that that the High Weald AONB is one of the important features of the area that will attract visitors to Wealden and that employment-related tourism is a significant contributor to the economic performance of the District (paragraph 3.27). Part of the Council's strategy is stated as being:

- Encouraging and supporting tourism to adapt and change and to provide the opportunity to extend the length and frequency of visits;
- Encouraging appropriate tourism initiative which promote use of environmental recreation resources in an environmentally responsible manner;
- Supporting the improvement of the quality of existing attractions, where appropriate, and
- Improving the quality of recreational opportunities and managed access to sites of tourism potential.

As set out at the start of our letter, the proposed Local Green Space designation at Bewl goes completely against the stated aims in national and local policy and also, staggeringly, the aims of the neighbourhood plan itself. It is not acceptable for this part of the Bewl centre to have development restrictions placed on it in accordance with the currently drafted text of Policy PEN5 (which states that any development within a Local Green Space designation will not be supported unless it is essential infrastructure) and this approach is fundamentally flawed.

Instead of placing such restrictions on the business, the neighbourhood plan should be showing support to Bewl to help it expand in a sustainable manor. This in turn would bring more visitors to the area, would increase spend in the village and provides further employment opportunities.

The importance of Bewl to the region's tourism industry is long established. Control of the site passed to our clients in 2016 and the business has invested heavily during the past 4 years to continue to improve the leisure, recreation and tourism offer. During this period out clients obtained consent for the campsite which had the support from Wealden District Council and the Tourism Board. However, there was no support whatsoever for this facility from the Parish Council which was disappointing.

It is clear and evident that this draft Local Green Space Designation is mischievously being used as a mechanism to stop anything else happening on this site (such as extending the lifespan of the camping consent). It is important that the activities, facilities and events at Bewl be allowed to continue to improve over time to respond to visitors

needs and demands (within the confines of the existing protectionist countryside policies). The Parish's support in this regard would be welcomed.

Turning lastly to the third pillar of sustainability and the social objective of supporting strong, vibrant and healthy communities. Bewl is clearly a valued facility for the local community, but it is also important to recognise that it is a valued space for people outside the area too. It is a long established and regional important leisure destination which provides a warm welcome to residents and visitors alike. The facilities on offer engages people with nature and contributes to their health and wellbeing. Instead of resisting any development at this part of Bewl, the neighbourhood plan should be supporting the leisure facilities and appreciating the benefits that such facilities bring to the wider community.

Conclusion

The neighbourhood plan, as currently drafted, is restricting development at Bewl. This is not appropriate and on this basis the plan will fail the basic condition test at examination - it is not in general conformity with the strategic policies in the development plan for the area, it does not have regard to the NPPF and it does not contribute to the achievement of sustainable development.

Significant changes must be made to plan. In particular we wish to ensure that the plan removes LG13: Bewl Reservoir Recreation Area from Policy PEN5. Not only this, we would also appreciate greater support towards the business and ideally we would like to see specific reference to this in the plan with a policy allowing for expansion and diversification at the site.

Yours sincerely

POLLY CANNING

Polly Canning MRTPI
Associate Planner
Kember Loudon Williams

APPENDIX 3

Water Based Recreational Activity at Bewl

	2016	2019	2022	Bewl Annual Membership Costs	Clubs	Commentary
Sailing	105	206	294	In order to sail at Bewl you have to be a member and you have a RYA level 2 qualification. You can then sail 7 days a week. Membership costs: - £240 Family - £180 Individual - £120 Junior - Boat Storage Additional cost There is no day ticket access. Sailing courses for novices and private tuition are arranged through Bewl Outdoor Centre/Adventure Kent.	Other affiliated sailing clubs: 1) Bewl Sailing Association Ltd. www.Bewlsailing.com A not for profit organisation that supports and promotes recreational sailing at Bewl. Annual membership £24 a year. Regular weekly racing with other events throughout the year. 2) Mariners of Bewl. People with physical impairments can sail at Bewl every Saturday 10 - 1pm. Three free taster sessions then membership required: £95 adult or £75 child. This includes use of dinghies, equipment and insurance. www.mariners-of-bewl-org.uk Specialist sailing performance training groups and organisations also use Bewl such as Sevenoaks School Sailing and RSFeva (double handed dinghy sailing) and Optimist Sailing (single handed dinghy sailing for children).	Over a decade ago, Bewl was one of the largest inland sailing venues in the south east. It was a RYA training centre and the Bewl Valley Sailing club had 920 full members. It entered into insolvency administration in 2015 and closed. When Bewl Events took over in 2016 there were only 70 members. Since then a strong emphasis has been placed on increasing sailing membership and this has grown 4-fold. .
Windsurfing	43	127	218	Annual membership fees: £100 individual; £60 Junior No day ticket access. Sailing courses for novices and private tuition are arranged through Bewl Outdoor Centre/Adventure Kent.	All users must have their own equipment. No formalised group or association but a strong fraternity of regular Windsurfers.	Open 7 days a week for annual members. No day passes, lessons or board hire. All users must have their own equipment.
Stand Up Paddle Boarding	0	96	255	Annual membership fees: £100 individual; £60 Junior	All users must have their own equipment. Alternatively, the public can join Bewl Canoe club (see below) for access to paddle boarding equipment.	Open 7 days a week for annual members.
Wing Foiling	0	0	68	Annual membership fees: £100 individual	All users must have their own equipment. No formalised group or association.	Open 7 days a week for annual members.

Water Based Recreational Activity at Bewl

Fishing	5987	6854	6477 fishermen visited Bewl over a 44 week period 21/22.	Available to the public on a daily basis. Public have to pre-book a fishing permit and boat hire. www.bewlwater.co.uk/activities/fishing	Bewl Water Fly Fishing Club.	Trout fishing available 7 days a week. Fly fishing is permitted from the bank.
Rowing	300	300	300	Annual subscription: £396 Adult £264 Junior	In order to row at Bewl you need to be a member of Bridge Rowing club https://www.bewlrowingclub.co.uk Learn to row courses available to non-members.	Never been so popular – waiting list.
Canoe/ Kayaks	70	82	90	Annual subscription: £150 Family of 5 £85 Individual £60 Junior This includes all the kit.	In order to canoe at Bewl you need to be a member of the Bewl Canoe Club which runs Monday mornings, Thursday mornings, Friday evenings (April to October) and Sunday mornings. www.bewlcanoeclub.co.uk	Public taster sessions offered to potential new members ofr £20
Open water Swimming	0	0	Ave 68 per week		Operated by TriSwim – you don't need an annual membership as you can swim as a non member and pay on a per day basis.	Swimming in the reservoir is strictly prohibited. Access is only available through TriSwim.