

Planning Policy
Wealden District Council
Vicarage Lane
Hailsham, BN27 2AX

Date 17 July 2023
Your ref
Our ref 0808/339046-1

Dear Sirs

Wadhurst Neighbourhood Plan Consultation (Regulation 16)
Land north of Mayfield Lane, Wadhurst

We are writing on behalf of Greymoor Homes to provide comments in respect of the Wadhurst Neighbourhood Plan (WNP) relating to the proposals to designate land north of Mayfield Lane as Local Green Space (LGS). We previously submitted comments in respect of the Regulation 14 version of the WNP and these comments are made on the same basis.

As set out below, we have significant concerns that the Wadhurst Neighbourhood Plan would fail to meet the basic conditions for the making of Neighbourhood Plans, as set out by paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. It is considered that modifications to the Plan are necessary before it can proceed to a referendum. It is our view that the WNP fails to meet the tests of (a) having regard to national policies and advice contained in guidance issued by the Secretary of State; and (d) contributing to the achievement of sustainable development.

Policy WAD16 (Local Green Space Designation) sets out a total of 10 sites proposed to be allocated as an LGS. Mayfield Lane is identified under LG7 as 'Ex Wadhurst College Recreation' owing to its former use by the now defunct Wadhurst College, just south of Mayfield Lane. The table at Appendix F of the WNP identifies that it is considered as a suitable LGS due to it being of value because of its beauty, tranquillity, being of recreational use for the purposes of dog walking, and its wildlife. It also notes that Beech Hill is the highest point in Wadhurst Parish and that it has public access. We note that, other than the short summary at Appendix F, there is no supporting text to provide further commentary or justification regarding the reasons for designating each site.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) provides guidance on the purpose of LGS designations and the reasons for which they can be designated.

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Paragraph 101 sets out the basic tests for the designation of an LGS and states that they should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. They should only be designated when capable of enduring beyond the plan period.

Paragraph 102 states that LGS should only be designated where the green space is:

- in reasonably close proximity to the community it serves;
- demonstrably special to the local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife, and;
- local in character and is not an extensive tract of land

PPG provides further guidance and indicates that if land is already protected by existing designations (including Areas of Outstanding Natural Beauty), then consideration should be given as to whether any local benefit would be gained by the LGS designation.

PPG also confirms that the appropriate proximity will depend on the circumstances as to why the space is seen as special. If public access is a key factor, it would normally be within easy walking distance.

Having regard to Paragraph 102 of the NPPF and PPG, we consider that the proposed LGS is not in sufficiently close proximity to the community it serves, being located some 1.3 km (or further) from the main population centres of Wadhurst. In our view, this goes beyond the desirable or acceptable distance that the majority of people would walk in order to reach space for dog walking (the primary purpose indicated by the WNP). There are a number of green spaces better situated for the purposes of dog walking, a number of which are themselves proposed to be designated as LGS by the WNP. Consequently, it is our view that the proposed designation of the site as an LGS does not meet the requisite test under Paragraph 102 and therefore should be deleted from the WNP.

It is noted that further justification has been added to the Regulation 16 version of the WNP which now refers to the proposed LGS meeting the needs of occupiers for the new residential development immediately south of the LGS (at Old Belleby's College). This development benefits from significant green amenity space within the Site itself and within adjacent surrounding woodland to the south, including an existing track with direct access from the dwellings. It is considered that these areas would be preferable and are just as available as land north of Mayfield Lane (to which there is no direct access from the dwellings). It is therefore considered more likely that residents of this development are more likely to use the adjoining woodland rather than the area identified by LG7.

It should also be noted that whilst the land may be currently used for dog walking, the land is in private ownership and any use for this purpose is informal only. The site is not otherwise publically accessible, despite the assertion within the WNP. Whilst it is noted that public accessibility is not a requirement for the purpose of its designation as an LGS, clearly it is an essential requirement for the purpose of dog walking. Given that this is the only recreational reason for its designation, we consider that the lack of public accessibility provides a further indication that the site is not suitable for designation as an LGS.

With regards to the other tests set out by Paragraph 102, our views are that the land proposed to be an LGS is not demonstrably special to the local community for the purposes of beauty or wildlife as highlighted within the WNP. In landscape terms, whilst the Site provides some elevated views across the wider area, it is our view that these are not demonstrably special as they are representative of views found throughout Wadhurst, including from areas which are publically accessible. Indeed, the WNP itself sets out a series of strategically important views at WAD15 (Protection of Views), none of which relate to or are in the vicinity of Mayfield Lane, being all located to the east and southeast of Wadhurst. Whilst part of the proposed LGS is on elevated land, views to and from this area are obscured by belts of trees and layers of vegetation and is therefore not clearly visible to or from within the local landscape. Whilst views may be possible from adjoining private properties, it is considered that views from publically accessible areas are limited (including from Mayfield Lane and Fairglens Road due to blocks of woodland). The approach to Wadhurst benefits from the verdant qualities provided by the woodland rising up as you approach along Mayfield Lane. Again, such qualities are found throughout Wadhurst and as demonstrated below, the associated woodland already benefits from existing protections. Consequently, our view is that the site is not demonstrably special to the local community for the purposes of beauty, and it would not warrant designation as an LGS for this purpose.

The other purpose highlighted by the table at Paragraph F of the WNP is in relation to wildlife. The open parts of the site are in use as arable farmland and are regularly well stocked with sheep which reduces its ecological value. The grassland sward is short, well maintained and dominated by turf grass. The area is not identified as a locally or nationally recognised ecological site, nor are there any designated in the immediate locality. This area of the LGS is therefore representative of other arable farmland that can be found throughout Wadhurst and has no special qualities. It is acknowledged that part of the site is identified as Ancient Woodland. However, initial ecology studies that have been carried out in respect of the woodland indicate that significant parts of it do not feature woodland ground flora species that are indicators of Ancient Woodland, but instead has limited ground flora species which would be indicators of typical woodland

areas. Furthermore, an initial Arboricultural Appraisal of the woodland indicates that a significant proportion of the trees present are not veteran trees but likely planted in the late 19th Century. The majority of this woodland would therefore not meet the classification requirements for Ancient Woodland and is more typical of woodland found throughout Wadhurst (and Wealden in general). Consequently, it is our view that the site is not sufficiently special from a wildlife perspective to meet the requirements of this purpose under Paragraph 102 of the NPPF. Furthermore, it is relevant to note that use of the site by dog walkers is likely to impact on and make it less suitable for the use of the site by protected species. Clearly its designation as an LGS for the primary recreational purpose of dog walking may create further pressure and in itself would be contrary to the wider protection of wildlife.

With regards to the tests within the NPPF, our view is that a 2.5 ha. Site can not be considered to be local in character, particularly given the number of LGS sites throughout Wadhurst and the limited population that this LGS is purported to serve.

The NPPG advises that consideration should be given as to what designations already exist and whether there would be any local benefit gained by designation of the LGS. It is noted that the site is located within the High Weald Area of Outstanding Beauty (HWAONB) which is a recognition of the wider areas natural beauty and provides a general policy constraint against inappropriate development. In particular, Para. 176 of the NPPF states that such areas should given the highest status of protection in relation to their landscape and scenic beauty. Therefore, it can be concluded that the Site is already sufficiently protected for its visual qualities. As set out above, the proposed LGS is also partially identified as Ancient Woodland, which provides protection with regards to any relevant ecological interests including Natural England 'standing advice'. Therefore, it can be concluded that the site is already recognised and protected for the purposes of visual and ecological interest by the HWAONB and Ancient Woodland designations. Consequently, it is our view that the designation of the Site as an LGS would not provide any additional local benefit or protection. Having regard to the NPPF and PPG, this would indicate that the LGS designation would be unnecessary and should be deleted from the WNP as there is no local benefit.

With regards to the above, our view is that the site therefore does not meet the requirements of Paragraph 102 of the NPPF in that it is not sufficiently close to the community it serves, nor is it of demonstrably special value to warrant designation as an LGS. Furthermore, we consider that the site is already subject to existing designations and that is designation as an LGS would not provide any additional local benefit or protection.

With reference to Wealden District Council's (WDC) 'Direction of Travel' consultation carried out in November 2020, it is clear that there is a significant need for housing in Wealden. The District Council have acknowledged that this will result in the need to allocate land within the High Weald Area of Outstanding Natural Beauty (HWAONB) for housing development. Wadhurst is a larger village in Wealden and benefits from a Railway Station and range of facilities and services. As a higher-level settlement, it is likely that Wealden District Council (WDC) will need to allocate some housing land in Wadhurst to meet the level of identified need and in the interest of sustainable development. This appears to be likely in 3 of the 4 development scenarios envisaged within the WDC Local Plan 'Direction of Travel'. As the wider area of land north of Mayfield Lane (beyond the proposed LGS designation) is located between Wadhurst (to the east) and its Railway Station (to the west) we believe that it has potential and should be considered further by WDC (and WPC) for the provision of housing. WAD16 would have the effect of precluding development in the wider area north of Mayfield Lane (beyond the LGS designation). In our view, this would mean that the designation fails to comply with guidance set out by Paragraph 101 - 103 of the NPPF, as it would not be consistent with the local planning of sustainable development, nor would it allow for the investment in sufficient homes, jobs, or other local services.

Regarding the above, it is noted that LGS7, along with others, appear to have been selected for designation on the basis that representations have been submitted to WDC indicating availability for housing development. The NPPF guidance for non-strategic policies addressed at Paragraph 29 of the NPPF indicates that Neighbourhood Plans should shape and direct sustainable development and should not undermine strategic policies. It is our view that the designation of land north of Mayfield Lane would not support the sustainable development needs for the area, nor as summarised above, would it have any other local benefit above existing protections. The use of such designations to restrict the consideration of sites is not a legitimate purpose and puts at risk the potential for delivering sustainable development and meeting the range of development needs in Wadhurst. By taking this approach, the WNP would not help to shape sustainable development and would impact on the ability of WDC to make strategic decisions contrary to Paragraph 29 of the NPPF. The existing protections, which have been set out above, adequately address the need to protect sensitive areas, without otherwise precluding potential development sites from coming forward. Consequently, we consider that the proposed designation fails to comply with the guidance for the drafting of Neighbourhood Plans set out by Paragraph 29 of the NPPF and the guidance for designation an LGS as set out by Paragraph 101 - 103.

As the proposed LGS fails to accord with the guidance for designating such areas set out by Paragraphs 101 – 103 of the NPPF as well as the relevant sections of PPG, it is considered that the Neighbourhood Plan would fail to meet 'basic test a' of Schedule 4B

to the Town and Country Planning Act 1990. This is because it has failed to have sufficient regard to national guidance and policies.

Furthermore, it is considered that the Neighbourhood Plan through the designation of a significant number of Local Green Spaces (including LG7) is overly restrictive and would prohibit Walden District Council from identifying potential development areas on otherwise suitable sites. Wadhurst benefits from a Railway Station and a relatively good level of services, it is a larger village that is likely to be expected to accept a commensurate level of housing development through allocations within a future Local Plan. Consequently, it is considered that the Neighbourhood Plan fails to meet 'basic test d' in that it identifies a disproportionate number of areas as LGS which would be detrimental to the long term planning of the area and achievement of sustainable development.

Summary

We have significant concerns in respect of the compliance of the draft WNP with the basic tests and guidance for allocating an LGS. In particular, we consider that the proposed LGS designation of land north of Mayfield Land is flawed because:

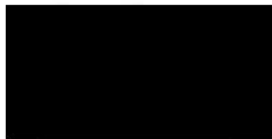
1. The LGS designation is inappropriate having regard to national policy and in particular Paragraph 102 of the NPPF and PPG (Reference ID: 37-011-20140306);
2. The Neighbourhood Plan identifies a disproportionate number of areas as LGS which would be detrimental to the long term planning of the area and achievement of sustainable development. It would therefore be inconsistent with the local planning for sustainable development and would therefore fail to meet the basic test set out by Schedule 4B to the Town and Country Planning Act 1990.

For the reasons set out above, we consider that the WNP as currently drafted fails to meet the basic conditions necessary in order for it to proceed to a referendum. In order to rectify this, we consider that Policy WAD16 and Appendix F should be amended to delete 'LG7' in order that the Neighbourhood Plan meets the relevant conditions prior to any referendum.

We would be grateful if you could acknowledge receipt of these comments and confirm that we would like to attend the examination. Please do not hesitate to contact me should you wish to discuss.



Yours sincerely



Daniel Frisby
Associate Planner
For and on behalf of DMH Stallard LLP