FAQs for Wealden District Council Members
Outcome of the Examination in Public of the Wealden Local Plan

1. What is the outcome of the Inspector's letter?

Wealden District Council is disappointed by the decision of the Planning Inspector to find that it cannot proceed with its Local Plan as submitted to the Planning Inspectorate in January 2019. A formal decision was made at the Full Council on 19 February to withdraw the Wealden Local Plan.

2. What is the process to withdraw a local plan?

The process of withdrawing a local plan is provided by legislation. To withdraw the Wealden Local Plan the Council is required to make a statement of the fact, notify consultees who have been involved in the process and to remove the availability of documents that relate to the withdrawn local plan.

3. Will the Council work on a new local plan?

Yes, the Council is legally required by Government to produce a Local Plan and national planning policy sets out that the planning system should be plan-led.

4. Will a new Local Plan be different from the Submission Wealden Local Plan?

Yes, a new local plan will need to be drafted in line with the National Planning Policy Framework (NPPF) which was published in February 2019. This requires Councils to enable developers to build an agreed number of homes each year to cater for anticipated growth in the district. The number of homes required is calculated using the method provided by the Government as published in the NPPF. This approach is based on published housing growth projections with an upwards adjustment to take account of affordability. The standard methodology provides a minimum figure for Wealden District to deliver of **1,231** dwellings per annum (this is the 2019/20 figure and due to be updated by MHCLG – though not expected to change significantly). This does not include any unmet need that the Council may need to deliver to meet neighbouring local authorities' unmet housing need.

A new local plan will therefore identify a new strategy for housing and employment growth in the district. Whilst this growth will need to be tested to ensure that it can be supported by appropriate infrastructure provision, in general and as required by the NPPF, a new local plan will identify where housing and employment sites will be located, where new facilities, services and new and improved infrastructure will come forward. It will also support economic growth and productivity, provide a choice of housing, protect the environment, the district's heritage and address climate change.

5. How will the new local plan be prepared?

We are currently identifying and considering options in relation to the best approach to prepare a new local plan. We consider that it is important to get this right from the start. However, in general, the process will include fresh evidence gathering including a new call for housing and employment sites.

Undertaking this evidence gathering and the consideration of this evidence in collaboration with partners and stakeholders will be key to developing policies and a sound, legally compliant and robust plan.

It will be important to undertake early engagement with Wealden members, to get an understanding of the key issues in each ward, and to ensure on-going engagement and scrutiny throughout the process. Other key stakeholders are Parish and Town Councils, neighbourhood plan steering groups and local communities.

The process will also include early engagement and collaborative working with neighbouring authorities and other statutory bodies. This will involve (as relevant) working on joint and proportionate evidence bases and considering cross border matters in a meaningful way to deliver positive outcomes.

The Planning Policy team is working on a project plan and a timetable will be provided for the production of a new local plan as soon as possible.

6. Does the council have a 5 Year Housing Land Supply?

No, not at the moment. The Council's Five Year Housing Land Supply position as of 1 April 2019 was 3.67 years based on the NPPF requirements and this has been documented within the Council's Authority Monitoring Report (AMR) 2018/19 in full and has been used for planning appeals. The Council had 4,742 (net) dwellings with planning permission (or sites with resolution to grant planning permission) as of 1 April 2019. At that time, in order to meet the Five Year Housing Land Supply position, the Council would require to have an additional 1,721 (net) dwellings to meet this minimum requirement. However, to ensure that the Council continues to demonstrate a Five Year Housing Land Supply position moving forward (that includes an appropriate buffer and mixture of sites), the Council would seek to meet at least 5.5 years of housing supply against its requirement that would have required an additional 2,367 (net) dwellings.

7. Until a new plan is produced, will this mean unrestricted growth by developers?

No, there will still be restrictions. Developers will still need to go through the planning application process. Applications will be determined using the NPPF and National Guidance, Adopted Local Plans including the Core Strategy, The Affordable Housing Delivery Local Plan, saved policies from the 1998 Local Plan and Adopted Neighbourhood Plans. These plans are on the Council website (http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Res_PlanningPolicy.aspx)

Although the saved policies were drafted in 1998, many of the policies are still relevant and are aligned with the NPPF. In addition, we will still have planning committees who determine approvals or refusals, and also the right for applicants to appeal to the Planning Inspectorate where an application is refused.

8. Will we have acceptable grounds to resist development – won't we just lose all our appeals?

Appeals will be decided on the basis of each individual set of circumstances. The quantum of growth is significant and we are considerably short of a five year housing land supply. The NPPF is clear that permission should be granted unless:

The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In practice, this means poorly located, inaccessible sites or those within exposed and protected landscapes are unlikely to take growth at this stage. It might happen as part of a managed incursion but that would happen as part of the new local plan.

Over the last 6-8 months, the appeals record has been outstanding. We have won more appeals in this period than for the entire 18 months prior to this. In many, if not all of these decisions, Inspectors placed limited to no weight on the Submission Local Plan 2019. Yet, appeals were being dismissed. The appeal record speaks for itself – poor sites unsuitable for development can and will be rejected.

9. What about pressure on infrastructure – roads, GP surgeries and schools. Surely we should refuse all planning applications unless/until we can properly plan for the growth?

We must remember that CIL is in place and it means that chargeable development will result in a CIL receipt as part of the application process. This pot of money will fund new infrastructure and improve existing infrastructure including roads, education and the provision of healthcare. The availability of CIL will be noted by Inspectors and taken into consideration in their consideration of any appeal.

We will also be stepping up our efforts to work with our partners, including ESCC to draw in alternative funding sources to the District. A good example being the Major Road Network (MRN) bid for major highways interventions to the A22 around Hailsham.

10. What about all the applications already lodged, including some sites that have been submitted for years?

It is correct there is a large backlog of applications. Many of these were held over pending outcome of the Wealden Local Plan Examination in Public. Some of the sites are in good sustainable locations where jobs and homes can be permitted, yet they were just beyond the strategy in the 2019 Local Plan. All other things being equal, these sites can be supported and where required, they will be brought to committee in due course.

Other sites will not be supported for various reasons, including poorly located land, sites in flood plains and land with adverse heritage and AONB impacts. These will be recommended for refusal. If members have a specific site in mind and are unsure

of how it will now measure up – talk to the case officer, or one of the senior officers in Development Management.

11. Will the withdrawal of the Wealden Local Plan affect Neighbourhood Plans?

National Planning Practice Guidance (NPPG) is clear that a neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan. The current adopted development plan is the Core Strategy and the Affordable Housing Delivery Local Plan. The withdrawal of the Wealden Local Plan will therefore not impact on those Neighbourhood Plans that have been prepared and submitted for examination (Hailsham and Hellingly) or are in the final stages of preparation.

12. How will Neighbourhood Plans be affected by the preparation of a new Local Plan?

Neighbourhood Plans can be prepared at any time. This is recognised by the NPPG. A neighbourhood plan is not tested against policies in an emerging Local Plan, however, the emerging evidence and direction of a new Local Plan will be relevant to producing a neighbourhood plan. It will be important for both Wealden District Council and Neighbourhood Plan groups to work collaboratively to share information and evidence as it becomes available and to ensure that both neighbourhood plans and local plans are complementary to each other. This will ensure that neighbourhood plan policies remain relevant should these be 'made' prior to the adoption of a new Local Plan. Should there be conflict between policies in a neighbourhood plan and a local plan then conflict is resolved in favour of the policy which is contained in the last document to become part of the development plan.

13. Does the withdrawal of the Wealden Local Plan affect Conservation Areas?

No. There are 33 conservation areas in the part of Wealden District where the Council is also the Local Planning Authority (there are a further 8 within the South Downs National Park managed by the Park Authority). A review of the boundaries for these conservation areas commenced in 2015, leading to their designation in March 2017. This designation is a separate process from the local plan and remains valid. The weight to be afforded to the boundaries as part of the decision making process for applications is therefore unaffected.

In addition, the Council has been working on draft Conservation Area Character Appraisals for each of the conservation areas. Around a third of these assessments are complete and viewable on the Councils website here:

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Heritage/Conservation_Areas/Plan_Conservation_Areas.aspx

We will continue to add more to the website as they are completed, prior to going through the formal adoption process. In the meantime, the draft Character Appraisals can be used to help to guide and control development – noting of course their draft status.

I Garden, 14 January 2020.