Policy WCS2

Legally Compliant - No

Sound - No

Justified - X

Effective -

Consistent with national policy - X

1.0 **Please give details of why you consider the Core Strategy not legally compliant or is unsound.**

1.1 Our additional statement relating to WCS6 are also of relevance when considering WCS2. We will not repeat these verbatim but have appended them for ease.

1.2 Paragraph 112 of the draft National Planning Policy Framework is specifically relevant in the consideration of policy WCS2. The overall amount of housing allocated to rural areas is insufficient as it would not meet the aims of paragraph 112 of the draft National Planning Policy Framework or those relevant within Planning Policy Statement 7 'Sustainable Development in Rural Areas'. WCS8 sets out the requirement for housing sites for 5 or more dwellings or in excess of 0.2 hectares to deliver a portion of affordable housing. Paragraph 112 of the draft National Planning Policy Framework recognises the contribution market housing can make to delivering affordable housing. However due to the insufficient allocation of housing to rural areas, sites will not deliver the quantum of affordable housing to meet identified local needs which they have the potential do. This does not represent an efficient use of land. The Proposed Core Strategy does not facilitate the delivery of affordable housing to meet identified local needs in rural areas and is therefore 'unsound' as it is not consistent with national planning policy, notably paragraphs 3,9,10,30 and 38 of Planning Policy Statement 3 'Housing' or paragraphs 109 and 112 of the draft National Planning Policy Framework.

1.3 The Proposed Core Strategy is not legally compliant as it the Council has not had regard to national planning policy which promotes sufficient housing for rural areas, the thrust of this is contained within Planning Policy Statement 7 'Sustainable Development in Rural Areas' and is retained within the draft National Planning Policy Framework. This is contrary to the Planning and Compulsory Purchase Act (2004) Section 19 2 (a).

2.0 **Please set out what change(s) you consider necessary to make the Core Strategy legally compliant or sound, having regard to the test you have identified where your comment relates to soundness.**

2.1 WCS2 Distribution of Housing Growth 2006-2030

Land will be allocated to meet the housing provision of WCS1 in accordance with the following distribution.

Town/Settlement	Built or already committed (dwellings)	New allocations (dwellings)	Total dwellings (2006 – 2030)
Rural villages	918	3732	4650
Total Wealden	4889	10611	15500

N.B the remaining 6897 new dwellings will be distributed to Uckfield, Hailsham & Hellingly, Polegate & Willingdon, Stone Cross & Westham, Crowborough, Heathfield & Waldron and adjacent to Tunbridge Wells boundary (within Frant Parish) at the Council's discretion taking note of the environmental constraints of certain locations.

Appendix 1

WCS6 Statement

Policy WCS6

Legally Compliant - No

Sound - No

Justified - X

Effective -

Consistent with national policy - X

1.0 **Please give details of why you consider the Core Strategy not legally compliant or is unsound.**

1.1 On 20th August 2011 the Government released its draft National Planning Policy Framework (NPPF) which is intended to consolidate all Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single document. Advice from the Planning Inspectorate for use by its Inspectors, revised 8th September 2011, indicates that:

1.2 *"The draft NPPF is likely to be referred to by the parties in current appeal and development plan casework. It is a consultation document and, therefore, subject to potential amendment. It is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker in each particular case"*. (Paragraph 2)

1.3 The draft National Planning Policy Framework contains guidance that is specifically relevant to Policy WCS6 Rural Areas Strategy. It sets out Core Planning Principles which include*, inter alia*, making effective use of land. (Paragraph 19)

1.4 The draft NPPF indicates that to help achieve sustainable economic growth the Government will seek to improve the quality of life in rural areas. (Paragraph 72)

1.5 It confirms that *"In rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local requirements, particularly for*

affordable housing. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. To promote sustainable development, housing in rural areas should not be located in places distant from local services." (Paragraph 112)

1.6 As our previously submitted representations indicated East Dean & Friston Parish is identified within the Managing the Delivery of Housing Background Paper at Appendix 1 as having 9 households on the housing register as of June 2010 with the actual number in housing need potentially being higher.

1.7 Appendix 2 has regard to the housing needs assessment and gives estimated gross needs per annum. East Dean & Friston is estimated to have a gross need per annum of 7 dwellings.

1.8 The Council have not properly taken account of the evidence base for the Core Strategy in this respect. A gross need of 7 affordable dwellings per annum indicates that 168 houses would be required in East Dean & Friston Parish during the plan period.

1.9 We accept that footloose households on the Housing Register can be directed towards existing towns and that there are environmental constraints which potentially hamper the delivery of 168 dwellings within East Dean & Friston however it is clear that a number of dwellings greatly in excess of the 10 proposed is required to meet local housing needs. In this respect the Proposed Core Strategy is not consistent with national planning policy, albeit in draft form, as it does not meet local requirements for affordable housing.

1.10 The draft NPPF removes an identified brownfield target for housing development. This is specifically referred to by the Planning Inspectorate in advice issued to its Inspectors relating to the draft NPPF. This confirms that the Government is seeking to move away from prescriptive brownfield targets and move in the direction of a concept of *'developable'* land. The advice indicates that Council's will be able to assess the suitability of land for development based on its characteristics and local need. (Paragraph 12)

1.11 The advice continues to inform that the removal of the brownfield targets may impact on sites brought forward for housing development in the local plan. Council's would be free to allocate sites which they consider most suitable for development without being inhibited by a national brownfield target. (Paragraph 14)

1.12 This is particularly important for Wealden District as the Council recognises within its Proposed Core Strategy that they are very unlikely to be able to meet the 60% brownfield target for the duration of the plan period and that from 2010 onwards they will only be able to develop approximately 35% of housing on brownfield sites (Paragraph 5.7) and in addition identifies that *'substantial'* use of greenfield land is *'inevitable'*. (Paragraph 5.8)

1.13 The Environment Act of 1995 sets out the statutory purposes of National Park in England and Wales. East Dean is within the South Downs National Park however this in no way precludes it from housing delivery, indeed the South Downs National Park Authority has a statutory duty to seek to foster the economic and social well-being of local communities within National Parks.

1.14 This indicates the acceptability of housing to meet an identified local need. Planning Policy Statement 7 'Sustainable Development in Rural Areas' reinforces this and states that within nationally designated areas, such as National Parks, Local Planning Authorities *"should also support suitably located and designed development necessary to facilitate the economic and social well-being of these designated areas and their communities, including the provision of adequate housing to meet identified local needs."* (Paragraph 21)

1.15 At this juncture it is important to note guidance in the draft NPPF confirms that the provision of market housing can be an effective vehicle to promote the delivery of affordable housing and the Proposed Core Strategy identifies that the development of greenfield land for housing will be crucial for this. The Proposed Core Strategy is 'unsound' as it does not have regard to its evidence base or national planning policy therefore is it not justified.

1.16 A duty on local planning authorities to co-operate in relation to the planning of sustainable development is imposed by section 33A PCPA 2004 (which is in force). Wealden District Council has not had regard to this when determining the level of housing development for East Dean & Friston. The town of Eastbourne, which the Proposed Core Strategy identifies as a *'Primary Centre'* within the settlement hierarchy, lies approximately 4 miles to the west of East Dean and is accessible by public transport. A bus timetable has been can be seen at Appendix 1 to this statement.

1.17 Given the availability of suitable sites identified within the Council's Strategic Housing Land Availability Assessment (March 2010) the Council should have provided evidence to demonstrate they have co-operated with Eastbourne Borough Council to assess the affordable housing needs for this area. Since no evidence has been put forward, the Proposed Core Strategy is not legally compliant.

1.18 Our previous representations in relation to policy WCS6 demonstrated that regional strategies have consecutively identified the Sussex Coast Sub-Region as an area of weakness. Our comments also pointed to the need for the Council to *"deliver sufficient decent homes and provide a well integrated mix to meet the needs of the area"* (South East Plan Paragraph. 17.2)

1.19 We noted however that only approximately 42% of new housing allocations under policy WCS6 will be directed towards rural areas within the Sussex Coast Policy Area as defined in the Wealden Profile (2009). This has resulted in a Proposed Core Strategy that is not in general conformity with the South East Plan as the Planning and Compulsory Purchase Act 2004 Section 24 (1) requires. The Core Strategy is therefore not legally compliant.

1.20 It is evident that the overall scale of housing contained within the Proposed Core Strategy for East Dean insufficient. The Proposed Core Strategy does not take into account its evidence base, the draft National Planning Policy Framework (2011) or the Planning and Compulsory Purchase Act (2004) and is not in general conformity with the South East Plan

(2009) it is therefore not legally compliant. The Proposed Core Strategy is not justified and is therefore 'unsound'.

2.0 **Please set out what change(s) you consider necessary to make the Core Strategy legally compliant or sound, having regard to the test you have identified where your comment relates to soundness.**

2.1 WCS6 Rural Areas Strategy

The rural areas comprise the following categories of settlement:

Service Centre
Local Service Centre
Neighbourhood Centre
Unclassified settlements

Within Service Centres, Local Centres and Neighbourhood Centres (excluding Stone Cross, Polegate and Willingdon and Heathfield) provision will be made for at least 3732 new dwellings.

The Delivery and Site Allocations DPD will allocate sites for development sufficient to ensure that the requirements above can be met. Development boundaries will not be retained for settlements classified as a neighbourhood centre or unclassified settlement. Development boundaries will be retained or provided at:

Forest Row, Hartfield, Groombridge, Wadhurst, Mayfield, Frant, Buxted, Herstmonceux, Ninfield, Pevensey Bay, Horam, Alfriston, Westham and Rotherfield

Development boundaries as shown in the adopted Wealden Local Plan are removed from:

Berwick Station, Blackboys, Broad Oak, Cross-in-Hand, East Dean and Friston, East Hoathly, Fairwarp, Five Ash Down, Five Ashes, Framfield, Hadlow Down, Halland, Hooe Common, Isfield, Lower Dicker, Lower Horsebridge, Maresfield, Mark Cross, Maynards Green, Nutley, Pevensey, Punnetts Town, Upper Dicker, Vines Cross and Windmill Hill

Retained or new development boundaries will be reviewed as part of the Strategic Sites and Delivery and Site Allocations DPDs as appropriate.

Development will be allocated to settlements classified as Service Centres, Local Service Centres and Neighbourhood Centres within rural areas for the period to 2030 based on the criteria within the Council's Strategic Housing Land Availability Assessment.

Name	**New Allocations (Net Additional Dwellings)**
East Dean	75

It is suggested that East Dean receives 75 dwellings net additional new dwellings. This figure is based on East Dean's pro rata need for housing. It uses the number of existing households in East Dean against the total existing households district wide and multiplied by the identified future housing need taken from DCLG forecasts. It has however, been reduced to recognise that footloose new households can be directed into the main towns of the district which would be more sustainable.