

East Hoathly with Halland Neighbourhood Plan Regulation 16 - Response from Wealden District Council.

It is clear that an enormous amount of work has been put into the East Hoathly with Halland Neighbourhood Plan (EHWHP). There are some remaining issues which largely relate to the length and useability of the document and some of the proposed Local Green Spaces. However, a large proportion of the detailed comments that the Council made at the Regulation 14 stage have been addressed in the submission version of the EHWHP (Regulation 15).

Length and Succinctness

The Council has commented at previous stages that the EHWHP is quite long and could be more succinct. For example, the housing and housing design chapter has 39 pages of supporting text before there is a policy. There is also repetition throughout the document, which could be reduced. The policies could also be more user friendly and streamlined to ensure they meet the vision and objectives.

Conformity references

The Council commented at the Regulation 14 stage that there are no conformity references within the EHWHP. Normally, each policy contained within a Neighbourhood Plan would provide a list of policies that it conforms with from the Council's statutory development plan that includes the Wealden District Core Strategy Local Plan (2013), the 'saved' policies of the Wealden Local Plan (1998) and the Affordable Housing Delivery Local Plan (2016). Conformity references would normally also be made to the National Planning Policy Framework (NPPF) as well as the evidence base used for each policy. These have not been added to the submission version of the EHWHP (Regulation 15).

NPPF References

NPPF references will need updating following the modifications that were made to it in December 2023.

Layout and Order

Section 4 - At the Regulation 14 stage, Wealden District Council (WDC) commented that Section 4 is titled Housing Development and Design Guide, which is typically a section with definitive Development Management type policies. However, a large part of this chapter talks to settlement sustainability and infrastructure and paragraphs 34 to 77 reads like an essay as to why the position of the settlement within the existing settlement hierarchy is incorrect and should be reclassified as an 'unsustainable settlement'. It is also noted that this information does not necessarily relate directly to the policies in the EHWHP. This will be very confusing for users of the Plan. In addition, the Neighbourhood Plan once 'made' will form part of the Development Plan and will sit alongside Local Development Plan Documents and are likely to be contrary to the text provided. A section explaining the context of East Hoathly and Halland would be expected within a Neighbourhood Plan, however, we would not expect this to be 20 pages long. Again, the length goes to the usability of

the Neighbourhood Plan and its purpose. We consider that paragraphs 34 to 117 need to be significantly rationalised. An alternative option would be for the section on sustainability to form an annex. The title of the section has been changed at the Regulation 16 stage to Housing and Housing Design; however, the section has not been shortened and our comments remain on the usefulness of this section.

At the Regulation 14 stage, the Council commented that the order of the Design Guide part of the chapter is confusing as it moves from:

- Introduction and Design Supporting text
- Character Assessment
- Common Features
- Negative Features
- Sustainability supporting text
- Policy 2: Resource Efficiency Policy
- Policy 3: Design Policy

At the Regulation 16 stage, it has been changed slightly to:

- Housing Design supporting text.
- Character Area Appraisal and recommendations
- Sustainability supporting text.
- Summary Housing Design
- Policy 2: Housing Design- Resource Efficiency
- Policy 3: Housing Design- Layout and Materials

The Council suggested at the Regulation 14 stage that consideration was made to moving the Sustainability supporting text and Policy 2 which relates to it, as currently it sits in the middle of the design supporting text and the design policy. The housing chapter also has quite a large section on vehicles and travel. It was suggested this could be moved to a separate travel section. The order has not been substantially changed at the Regulation 16 stage and therefore our previous comments on this remain.

Section 5 - As the Council commented at the Regulation 14 stage, the title 'Conservation' can be misleading. It was suggested that Historic Environment would be a better section heading. The Council also suggested that consideration be given to moving Assets of Community Value to a different chapter as they do not relate necessarily to Conservation. Also, Dark Skies have been placed in this section when in many Neighbourhood Plans, they sit within the Natural Environment Policies. These suggestions have not been addressed within the submission version of the EHWHNP.

Section 9 - This includes quite diverse topic areas such as communications, broadband, parking, transportation and accessibility. The Council suggested at the Regulation 14 stage that transportation and accessibility could be moved to a separate section, but this has not been carried out.

Section 2- Context

Paragraph 27- Wording of the Paragraph

At the Regulation 14 stage, the Council suggested that paragraph 27 was redrafted in a more factual way and suggested some revised wording 'Outside the adopted planning documents, WDC has **progressed a Strategic Sites Allocation Local Plan and a new Wealden Local Plan. However, both documents were withdrawn and were not therefore adopted.** ~~produced Issues and Options documents in addition to all the documents pertaining to the now withdrawn Wealden Submission LP 2019~~'; however, this has not been amended.

Also, where it states, 'ideas put forward for the future of this Parish have varied considerably since 1998', it should be noted that planning policy at the national level has changed several times since 1998. Therefore, the local policy response will also change.

The end of paragraph 27 is negatively phrased where it states 'It indicates to landowners and developers the options that WDC have considered. One result of this is that planning applications are submitted and many of these have been approved despite not being part of any adopted LP'. As the Council stated at the Regulation 14 stage, this has more to do with the lack of an up-to-date Local Plan at the time of writing, rather than previous draft Local Plans. The Council cannot currently demonstrate a five-year housing land supply position, so planning applications for new housing development that are considered suitable are being approved outside of the local plan process.

Recommendation

Outside the adopted planning documents, WDC had **progressed a Strategic Sites Allocation Local Plan and a new Wealden Local Plan. However, both documents were withdrawn and were not therefore adopted.** ~~produced Issues and Options documents in addition to all the documents pertaining to the now withdrawn Wealden Submission LP 2019.~~

Reference should also be added to planning policy changing at the national level since 1998.

Paragraph 28- Wording of the Paragraph

This paragraph states 'we fully accept that most of the options considered by WDC did not become policy, but they were made public and the Parish Council believe that they have resulted in planning applications being put forward in the Parish'. As the Council stated at the Regulation 14 stage, whilst the 2019 Wealden Local Plan was withdrawn, the draft submission local plan set out the Council's preferred growth strategy for that time, which included allocating some growth in East Hoathly. There was no alternative to making this public as consultation is a key part of plan making.

Recommendation

That paragraph 28 is rephrased to take account of the Council's comments.

Paragraph 31- Wording of the Paragraph

It could still be clearer in this paragraph that the latest planning policies to be adopted will take precedence if there is a conflict between policies (for example, if the emerging Wealden Local Plan is adopted after East Hoathly NDP).

Recommendation

That the wording of paragraph 31 is amended to make this clear.
'then any policy changes relevant to the EHHNP will be reviewed as part of the EHHNP Review Process. ~~and any new Wealden LP would take precedence if there was a conflict.~~ The latest policies to be adopted will take precedence if there is a conflict between policies.

Section 4 Housing and Housing Design

Paragraph 52- Wording of the Paragraph

The settlement hierarchy in the adopted Wealden District Core Strategy Local Plan (2013) is the adopted position and will be considered as a starting point for planning applications/appeals.

Recommendation

Rephrase the paragraph to state that this is the adopted position. It should also be stated that WDC is currently updating its Sustainable Settlements Study which will identify a new settlement hierarchy for the district, taking into account the requirements of the NPPF.

The latest Regulation 18 draft Local Plan has been agreed by Full Council (on 8th February 2024) to go out for consultation and confirms that East Hoathly is a Type 4 settlement (secondary village) that is considered 'sustainable'.

Paragraphs 53 and 54

There is a later version of this document named the East Sussex County Council School Organisation Plan 2023 to 2027.

Paragraph 64- Wording of the Paragraph

This paragraph states 'However, the overriding trend has been for a reduction in the level of sustainability and an increased dependence on cars (See Paragraphs 99 to 102). Many parishioners believe that East Hoathly should be redefined as an Unsustainable Settlement'.

Recommendation

As the Council stated at the Regulation 14 stage, it is strongly suggested that the NDP seeks to positively plan through this process and adapt this paragraph to focus on the services and facilities that East Hoathly has. It is not for the NDP to define or

consider the sustainability status of East Hoathly. This is a strategic matter which is currently being considered by WDC and progressed as part of the draft Local Plan.

Paragraph 83- Wording of the Paragraph

This paragraph states 'This identifies a need for more homes with one bedroom in the Affordable Homes sector but does not reflect that this is also needed in the Market sector'. As the Council stated at the Regulation 14 stage, the HNA Report does not necessarily agree that there is a substantial need for 1-bedroom homes in the market sector so this needs to be rephrased here. It is felt that the policy should reflect the HNA in the absence of other more localised evidence.

Paragraph 83 also states that 'over 77% of the housing in this Parish is privately owned so, not tackling the market sector for one Bedroom houses will not rebalance the housing needs of the Wealden District nor this Parish'. As the Council stated at the Regulation 14 stage, the main thrust of this report for the market sector confirms that the housing type needed in Wealden is for two and three bedroom homes (dwellings, rather than flats) and that there is still some need for 4+ bedroom homes in the district. The 1-bedroom flatted market is unlikely to be suitable outside of Wealden's main towns, so it is unlikely that this sort of property will be marketable in East Hoathly.

Recommendation

That paragraph 83 is amended to reflect our comments.

Paragraph 85- Wording of the Paragraph

This paragraph states that there is 'a deficit of smaller one and two bed homes'. However, two and three bedroom homes are the aim across the majority of the district, and particularly villages. The Council's own evidence base (the LHNA published in 2021) confirms that the majority of new market homes should either be 2 or 3 bedrooms in the market sector (70%), with a smaller need for 1-bedroom homes (5%) and 4+ bedroom homes (25%).

Recommendation

That paragraph 85 is amended to reflect our comments and LHNA.

Paragraph 90- Wording of the Paragraph

Paragraph 90 states 'the Parish believes that significant new development should be allowed time to be absorbed into the community and that phasing should be considered for any major planning application'. As the Council stated at the Regulation 14 stage, this approach would not help with the council's Housing Delivery Test (HDT) or its Five-Year Housing Land Supply position as phasing would slow down growth and may actually have the reverse effect of allowing more housing development into our towns and villages across Wealden. It may also slow the delivery of infrastructure to support both new and existing communities. It is also not clear what is meant by 'significant'.

Recommendation

That the final sentence of paragraph 90 is removed:

The following charts show the growth in housing in the Parish and the village of East Hoathly over time. Figure 3 shows the number of homes in the Parish expanding steadily from less than 125 in 1841 doubling to just under 250 in 1961. The rate of growth has risen steeply since 1961 with the completion of 931 homes by 2022. Figure 4 shows the number of homes in East Hoathly village expanding slowly from 55 in 1841 to 194 in 1976. The sharp rise since 1976 shows the completion of 642 homes by 2022. ~~The Parish believes that significant new development should be allowed time to be absorbed into the community and that phasing should be considered for any major planning application.~~

Paragraph 95- Wording of the Paragraph

At the Regulation 14 stage, the Council questioned whether this paragraph is necessary. The amount of housing delivery in East Hoathly will be lower than in Uckfield/Hailsham for example, so less affordable homes will be provided in any case. In addition, affordable homes include ownership products as well (i.e. First Homes, Shared Ownership etc.)

Recommendation

Consider removing this paragraph.

Policy 1 Housing

Wording of the Policy

The Council stated at the Regulation 14 stage that Policy 1 is not consistent with Wealden District Council's evidence base on housing mix and type, or its emerging Local Plan policy on housing mix, which has since been published. The Council suggested using 1, 2 and 3 bedroom homes here given the need for all three within the District and Parish. This would then reflect the WDC evidence base and the draft Regulation 18 Local Plan. However, this has not been amended.

The policy also asks for 'a greater balance of smaller homes for retirement and downsizing'. However, there is little evidence to support the policy. The wording of the policy could also be clearer as to whether it means specific retirement housing (Use Class C2) or just general smaller dwellinghouses (Use Class C3) for retired people.

Recommendation

That the policy wording is changed to 'through the delivery of a higher proportion of homes of one or, two **or three** bedrooms'.

Add clarification in the policy regarding retirement housing.

Paragraph 123- Wording of the Paragraph

The Council suggests that the list of recommendations in this paragraph is not required, given that they are listed in the policy and in the character appraisal.

Recommendation

Remove the list of recommendations from the supporting text. Instead, it could say something like: 'The Character Appraisal made a number of recommendations based on the identified detractors, which have been incorporated into the design policy'.

Policy 2 Housing Design- Resource Efficiency

Wording of the Policy

Criteria 2.2. has been moved from the supporting text at Regulation 14. However, it needs further explanation. The policy is titled housing design- resource efficiency but it is not clear if criteria 2.2. only applies to renewable energy schemes on residential properties or renewable schemes in general. If it is the latter position, is it not already covered in criteria 2.1 d, or alternatively, if it also relates to non-residential schemes does the policy need to be retitled?

Recommendation

Further clarification is needed regarding criteria 2.2 and the extent to which it applies.

Policy 3 Housing Design- Layout and Materials

Wording of the Policy

At the Regulation 14 stage, the policy was titled Design Guide-Layout and Construction and the Council suggested just Design would be a better title. The policy referred to design on all new development. The policy has now been changed to Housing Design – Layout and Materials. As with Policy 2 – Housing Design – Resource Efficiency, it is not always clear whether the policy relates to just housing design or all new development? The title of the policy is Housing Design but criteria P3.1 refers to all new development in the Parish and the criteria under P3.2 relates to all new housing development.

P3.1 refers to the National Design Code, but should this be the National Design Guide instead?

At the Regulation 14 stage, the Council queried whether the sub criteria of P3.2 (formerly P3.3) is required and suggested the policy could be shortened. The Council

also made a number of other suggestions at the Regulation 14 stage that have not been addressed. This is as follows:

- Criteria P3.2a could be more positively worded. As the Council stated at the Regulation 14 stage, cul-de-sacs are acceptable in planning terms and there are already a number in East Hoathly and Halland, so it will not be possible to 'avoid' them on all occasions. Lots of types of developments in rural areas, for example farmstead style and rural cottage/mews type developments do not have through access so are technically cul-de-sacs.
- Criteria P3.2e recommends that designs should seek to exceed the minimum requirements for EV charging points. This has not been supported by evidence on viability.
- Criteria P3.2f states that designs should seek to exceed the minimum requirement for parking space allocations and the size of vehicle parking spaces and garages. Parking standards should follow ESCC standards, and no evidence has been provided that would support higher standards.
- It is unclear how criteria P3.2g could be practically dealt with as no widths are given. This will be considered by ESCC as the Highway Authority as part of the planning application process and roads will need to meet ESCC and Manual for Street standards as appropriate.
- Criteria P3.2i states that 'whenever possible, gaps in the built environment should be maintained'. This is too vague a statement and needs to be clarified.
- Criteria P3.2p- In relation to infrastructure, services and facilities a developer is only required to provide for what will make a development acceptable in planning terms in line with national planning policy and this should be made clear here.

Recommendation

If the policy relates to all new development, then the word housing needs to be removed from the title. If the policy just relates to housing, then the wording of criteria P3.1 will need to be changed to reflect this.

That Design Code is replaced by Design Guide within Criteria P.3.1.

It is suggested that criteria P3.2 is shortened to 'Development that maintains or enhances the character of the area, having regard to the character assessment and its recommendations, would be supported.' The criteria could then be removed.

If the criteria at P.3.2 is to be retained then the Council suggests that the wording is amended to 'New housing development will be supported if it maintains or enhances the character of the area, and having regard to the EHHNP Character Appraisal. the following in particular.'

If the criteria at P.3.2 is to be kept, the Council makes the following suggestions;

- Criteria a- the first sentence is deleted.
- Criteria e and f- that these are removed.
- Criteria g is removed.

- Criteria i is either expanded upon to provide justification for maintaining gaps in the built environment, or the final sentence is removed.

Also, it is not clear why there are recommendations from a to m in the Character Appraisal but a to q in the policy?

Relationship between the Character Appraisal and the Design Policy.

The Council stated at the Regulation 14 Stage that 'In effect the Character Assessment can be used as the evidence behind your design policy, however the wording of the design policy is critical. At the moment within your design policy you have stated that 'New developments should seek to conform with the best examples of Layout and Construction reflected in the East Hoathly with Halland Character Area Assessment' however you do not define these and within the character assessment you have not listed what contributes to the positive character of each area, only the negative elements'.

At the Regulation 14 stage we also said that 'As well as listing the detractors for each character area and outlining what negative trends need addressing/ what should be avoided, you could add a section on the positive features of each area, establishing what it is you are wanting to reinforce. This would allow it to be used to better support the design policy. The wording of the policy could then be changed to more tightly cross-refer to the Character Assessment e.g. by supporting development that maintains or enhances the character of the area, having regard to the character assessment, or something similar'. In the submission version, Policy 3 now uses this suggested wording however no sections have been added to the Character Appraisal on the positive features of each area. We are therefore concerned with the usability of the document.

At the Regulation 14 stage, the Council also stated that 'You could also consider adding another section after the summary of the negative (and positive?) features at the end of the assessment with recommendations that have stemmed from the Character Assessment. This would then allow you to make reference to the recommendations in the Character Assessment within the policy'. In the submission version, recommendations have now been added to the Character Appraisal and these are referred to in Policy 3.

The Character Appraisal is a useful document that has resulted in recommendations which have been carried over to the design policy, however it would have been enhanced by the addition of a description of the positive features of each area. Whilst the negative features listed do provide something for applicants to avoid in new developments, a list of positive features would have given applicants something to respond to in a more positive way.

Duplication

There is still quite a lot of duplication in the 'Criteria affecting all Character Areas' chapter from the main plan document. The Council suggested at Regulation 14 that the Neighbourhood Plan could be refined and shortened and could refer to the Character Appraisal for further detail, however this has not been carried out.

The annexes can also be found in the main plan document. The Council suggested that they should only be in one document to avoid duplication and this would provide a more refined plan however this has not been carried out also.

Detailed comments

We made a number of detailed comments at the Regulation 14 stage and the majority of these have been addressed, which is welcomed. Where changes have not been made, they have been justified within the Consultation Statement.

Section 5- Conservation

Paragraph 128- Wording of the Paragraph

This paragraph is somewhat confused. Archaeology is part of the historic environment and can be both a designated heritage asset and non-designated heritage asset. Also, the Conservation Area is a designated heritage asset.

Recommendation

The wording is changed to 'It applies to designated heritage assets and their settings including Listed Buildings, Scheduled Monuments and the Conservation Area and non-designated heritage assets and their settings, including sites of archaeological interest'. We have elsewhere suggested that Assets of Community Value and Dark Skies are moved to different chapters.

Paragraph 134- Wording of the Paragraph

At the Regulation 14 stage, the Council queried what was meant by 'seek to get them designated as Heritage Assets' and whether this meant assessing them as potential non-designated heritage assets or nominating them as Listed Buildings. The Consultation Statement now confirms that this means Listed.

Recommendation

The wording is changed at the end of the paragraph 134 to 'the Parish Council will seek to get ~~them~~ **those milestones in the parish** designated as ~~Heritage Assets~~ **Listed Buildings**'.

Paragraph 135- Wording of the Paragraph

As the Council commented upon at the Regulation 14 stage, the list of what can go on a local heritage list does not align with English Heritage guidance. Whilst a Local List is not restricted to buildings, they need to be heritage related. We are uncertain by what is meant by local figures of importance or significant patterns of settlement. It is unclear how these criteria have been arrived at or how a local figure can be a Non-Designated Heritage Asset (NDHA) on a Local List?

Recommendation

That this list is amended to more closely reflect the Historic England guidance i.e. that a Local list can include 'all types of heritage assets, whether buildings, monuments, sites, places, areas or landscapes' and make reference to extant Historic England (HE) guidance on local listing.

Paragraph 140- Wording of the Paragraph

The Council requested at the Regulation 14 stage that further detail is added to paragraph 140 to explain what an Article 4 Direction is and why it is required. Further detail has been added as to why it is required but not what it is.

Recommendation

That a brief explanation of Article 4 Directions is added.

Policy 4 Conservation of the Historic Environment

Wording of the Policy

As the Council stated at the Regulation 14 stage, there is some duplication in P4.1 as Conservation Areas are designated heritage assets.

P4.2 needs to be adjusted so that it reads correctly. The word 'be' needs to be replaced by an 'are'.

P4.3 has been added since the Regulation 14 stage. Not all applications have to consult the Historic Environment Record (HER) and this is covered in the Council's own validation list.

Recommendation

- It is recommended that the wording of P4.1 is adjusted as follows: Proposals for new development that preserve and enhance designated Heritage Assets, **including** the Conservation Area, ~~the settings of the Heritage Assets or setting of the Conservation Area~~ **and their settings** will be supported.

At P4.2 the first use of the word 'be' needs to be replaced by an 'are'.

It is recommended that P4.3 is removed.

Aspiration 2 Conservation of the Historic Environment

Wording of the Aspiration

As referred to above, if the Parish is proposing that these are to be put forward to Historic England for consideration for designation as Listed Buildings, this should be clearer here.

Recommendation

A2.1 is amended to replace 'as heritage assets' with 'as Listed Buildings'.

Aspiration 3- Conservation of Community Assets

Wording of the Aspiration

The Council has previously commented that the nomination of assets of community value does not sit well within the Conservation section, as the reasons for designation relate to social wellbeing and the social interests of the local community rather than any conservation value. The nomination process is also outside of the neighbourhood planning process. Whilst the supporting text explains that the nomination process is separate to the neighbourhood plan, Aspiration 3 does not make this clear and states that 'this parish seeks to obtain listing as Assets of Community Value.....'

Recommendation

Either remove A3.1 or make it more general e.g. 'The Parish Council will carry out a full assessment of the parish to identify Assets of Community Value'.

Policy 5 Dark Skies

Wording of the Policy

There is a word missing from P5.1.

Recommendation

That the word 'light' is added in so that it reads '...with a particular focus on preventing sky glow from *light* radiating upwards.'

Section 6- Natural Environment

Paragraph 165- Wording of the Paragraph

As the Council stated at the Regulation 14 stage, the situation is far more complicated than what is suggested here. All planning applications for new housing development are known by Southern Water and are consulted upon as part of the planning application process or considered in the round. Southern Water are required by statute to allow for all new housing development to come forward and are unable to object to the local planning authority on capacity grounds (i.e. they are required by law to accommodate the development). Therefore, new development of this nature cannot be expected to improve the existing situation/address problems in the wider network etc. The environmental permit process is outside of the planning process. The Council does, however, liaise with Southern Water regarding what housing development is expected and where through the local plan process to

enable them to forward plan and / or identify where additional infrastructure may be required.

Recommendation

That paragraph 165 and table 9 is removed.

Paragraph 170- Wording of the Paragraph

This paragraph states that 'This Parish believes that the WDC Biodiversity Officer should check the quality and thoroughness of all biodiversity surveys presented with planning applications and publish that appraisal.' It is not the neighbourhood plan's role to state what officers within the Council should be doing. It is not the Biodiversity Officer's role to check every biodiversity survey but to provide a critical appraisal and advice to the planning Case Officer when required.

Recommendation

That the last sentence of paragraph 170 is removed.

Policy 6 Natural Environment

Wording of the Policy

We do not agree that the wording at criteria P6.5F is correct and are unsure as to why this has been added to the biodiversity section. We cannot prevent connections to the foul sewer, but in the surface water drainage hierarchy this is the last option. This criteria could be framed in a more positive way.

Recommendation

The wording of P6.5f is amended to 'provide surface water disposal from sites in accordance with the national surface water drainage hierarchy and the East Sussex SuDS drainage hierarchy'.

Paragraph 177- Wording of the Paragraph

As the Council stated at the Regulation 14 stage, the 2016 report is no longer the Council's latest evidence base on this topic. The Council published the Wealden District Council Open Space assessment in April 2022.

Recommendation

Remove reference to the 2016 Assessment.

Paragraph 178- Wording of the Paragraph

The Parish Summary for the open space report highlights the deficiencies of the area and indicates whether new facilities are required or whether existing facilities should be enhanced. In addition, the open space report outlines the criteria that will be used

to identify whether a new development will require new facilities or existing enhancement. This can be considered on a case-by-case basis and determined in accordance with need. This may include factors such as accessibility also.

For any planning application, provision will be calculated via these criteria and included within the S106 legal agreement where required. It would be beneficial at consultation stage of the planning process (local plan and / or planning application) if the Parish Council were to comment on their specific requirements/requests so that these might be taken into consideration.

Recommendation

That the last sentence of paragraph 178 is removed.

Policy 7 Local Green Space

At the Regulation 14 stage, the Council commented that Appendix L should be refined to include an analysis of how each site meets the criteria for LGS as set out in the NPPF. Tables have now been added to Appendix L to illustrate how the parish consider each proposed LGS meets the NPPF criteria for designation. The Council also stated that another column needed to be added to table 15 (now table 33) to indicate how each site is demonstrably special (i.e. for beauty, historic significance, recreational value, tranquillity or richness of its wildlife). This has now been added to the table.

The Council also commented that it was not always clear in Appendix L as to why a proposed LGS had been rejected. These have now been added to the text and a note on table 33 highlights the relevant paragraph where it is explained. Despite the amendments to Appendix L and our comments at Regulation 14 stage regarding the proposed LGS, no changes have been made to the proposed Local Green Space designations following the Regulation 14 consultation and therefore our comments remain in regards to these Local Green Spaces.

Potential Local Green Space	Comment	WDC Reg. 16 Stance
LGS 1 East Hoathly War Memorial Sports Ground	WDC has now published the draft Local Plan at the Regulation 18 stage that was approved by Full Council on the 8 th February to progress with a Regulation consultation by Mid March 2024. A very small part of the proposed LGS now falls within the allocated site for housing EH3 (named Broomy Lodge Field, London Road, East Hoathly) of the Regulation 18 Draft Local Plan.	Supports, subject to boundary modification.

	The Council suggests that the boundary to the LGS is amended to remove this small piece of land.	
LGS 2 East Hoathly Garden Plots (Allotments)	No comment.	Supports
LGS 3 Moat Wood and Decoy Pond	<p>This is an extensive tract of land at over 18 hectares, and this is almost entirely encompassed by Ancient Woodland, which already has sufficient protection in place under paragraph 186 of the NPPF.</p> <p>At the Regulation 14 stage, the Council suggested that given the above, and to ensure that the tract of land is not so large as to fall foul of the NPPF criteria at paragraph 106 (c), this designation could be concentrated on the Scheduled Monument and land surrounding it. However, the size of the proposed LGS has not been reduced.</p>	Does not support
LGS 4 Long Pond	<p>The site assessment at Appendix L of the EHWHNP confirms there is wildlife and historic value, but no public access at the moment (we note from the consultation statement that there may be in the future).</p> <p>It is noted that it is also part of the planning application at Hesmonds Stud under planning reference WD/2022/0341/MAJ that is currently underway. It is noted that the approved plans for this planning application exclude the pond and therefore, subject to the LGS boundary being accurate around the pond, this LGS is supported in principle.</p>	Supports
LGS 5 Circle of Oaks Green Gap	It is noted that this LGS has been reduced in size since our initial comments (prior to Regulation 14). However, this site was considered, in principle, suitable for residential development within both the 2019 SHELAA process and the most recent SHELAA 2024 (under reference 154/1950). The site has now been allocated in the draft Regulation 18 Local Plan for 20 dwellings	Does not support

	<p>under reference EH1 (Land off South Street, East Hoathly).</p> <p>It is noted that a planning application (WD/2018/2741/MAO) was made for the site in 2018 but was later refused by the Council in 2021. This was due to the location of certain proposed dwellings within the scheme and their impact on the setting of the conservation area and also harm to the significance of non-designated heritage assets through inappropriate development within their settings.</p> <p>It is expected that a reduced scheme will have a lesser impact on the conservation area and could be supported. There is a current planning application on the site under planning reference WD/2023/2516/MAJ for 17 dwellings.</p> <p>Given the above, WDC does not support this LGS designation.</p>	
<p>LGS 6 and 7</p> <p>Juziers Play Area and Juziers Drains/Swales</p>	<p>We are unconvinced that either of the proposed LGSs meets the test as being demonstrably special to the community given its peripheral location and function.</p> <p>In addition, the Council in its draft Regulation 18 Local Plan has allocated land for housing to the east of proposed LGS 7 under reference EH2 (Land at Hesmonds Stud, East Hoathly) and this LGS may prevent a vehicular access from being achieved to this site in the future (albeit, it is recognised that there may be alternative options for this). Given the above, and their peripheral location and function, WDC does not support either LGS designation.</p>	Does not support
<p>LGS 8, 9 and 10</p> <p>Church Marks Lane Lawn</p> <p>Nightingales Play Area</p>	<p>The comments are similar to the LGS 6 and 7 above in terms of their function as residential amenity space. The Council questions whether any of these are demonstrably special to the local community, or whether they meet the criteria set out under paragraph 106(b) of the NPPF?</p>	Does not support

Nightingales Lawn		
LGS 11 East Hoathly Churchyard	No comment	Support
LGS 12 School Field	No comment	Support
LGS 13 Church Marks Green	Again, this appears to be residential amenity land and not demonstrably special. The Council questions whether the proposed LGS is demonstrably special to the local community, or whether it meets the criteria set out under paragraph 106(b) of the NPPF.	Does not support
LGS 14 Croom Cottage Meadow	No comment	Support
LGS 20 Halland Chapel Burial Ground	No comment	Support

Wording of the Policy

At the Regulation 14 stage, the Council suggested that criteria were added to the policy that explained when development would be acceptable on an LGS. The references to the NPPF have been added, however the examples given in the policy are not from the NPPF. Also, additional descriptive text has been added which is not required.

Recommendation

The Council recommends that the descriptive text is removed as indicated below in order to shorten the policy.

P7.1 This Parish designates the following locations as Local Green Spaces as shown on the Policies Map for East Hoathly and the Policy Map for Halland. ~~These locations are in close proximity to their community, demonstrably special and local in character. They benefit the health and wellbeing of residents of all ages and abilities.~~ Development on these Local Green Spaces will not be supported other than

in very special circumstances (as specified in the NPPF Paragraphs ~~147 to 151~~ **152-156**, for example where it relates to necessary utilities infrastructure and where no reasonable alternative location is available):

Section 7- Health and Wellbeing

Aspiration 5- Health and Well-being

No comment.

Section 8- Business

Policy 8 Business

Wording of the Policy

If permitted development rights apply, then it is not a requirement to show the business is not viable (see GPDO which lists the requirements for each different type of change of use).

There is a spelling mistake in P8.1b, which states at the start of the second sentence 'were', when this should be 'where'.

The Council commented at the Regulation 14 stage that P8.2.a and b are both too great a requirement to put upon applicants and go beyond what is required in our current statutory development plan or the NPPF. The Council cannot require existing businesses to reopen in the existing settlements they are situated in, and their loss should be allowed, providing that the business is not viable and over the 18-month marketing period.

The Council also asked whether it was necessary to list the businesses at P8.3 if the policy applies to all businesses. Also, some of these businesses would not fall into Use Class E (Commercial, Business and Service) such as care homes and hotels that would fall under Use Class C2 and C1 respectively.

The Council also stated at Regulation 14 that P8.4 should apply to all businesses with an employment use class and not just specific sites. The wording in this part of the policy needs to be tighter, for example, what is meant by improvement and enhancement? What is meant by detrimental impact? How is acceptable traffic generation defined?

Recommendation

Replace the 'and' at the end of P8.1a with an 'or'.

Replace 'were' with 'where' in P8.1b.

Remove P8.2a and b.

Remove the list of businesses and the remaining text of P8.3. P8.1 could be adapted to refer to any loss of business/ employment site, not just to residential use.

Adjust P8.4 to relate to all businesses, not just specific sites. The wording of this part of the policy needs to be further refined.

Section 9- Accessibility and Connectivity

Paragraph 215 and EHHNP Aspiration 6.2- Wording of the Paragraph

As the Council stated at the Regulation 14 stage, the developer would only have to deliver fibre optic cabling to the development that is being built, so this would be an unlikely scenario.

Policy 9 Communications

Wording of the Policy

The NPPF reference is now out of date.

Recommendation

The NPPF reference will need to be updated to paragraph 119.

Annex A

Wording of the Annex

The Council previously commented at the Regulation 14 stage that any documents that were not adopted by the Council hold no weight and that text related to these documents are unnecessary for this Plan, as such directions/policies were never implemented. Whilst the comments in the first paragraph in Annex 1 about providing a narrative are noted, this annex is confusing, and it is not clear which Plans were ever adopted.

It also needs to be understood that this plan if 'made' will form part of the Wealden District Council Development Plan. This section is therefore unhelpful when read alongside any future local plan and does not demonstrate positive working.

Recommendation

Remove those plans and documents that were never adopted from Annex 1.

Annexe N

It would be worth confirming whether all the aspirations highlighted are suitable for lawfully spending CIL monies on (i.e. how they address the demands that development places on the area). For some of the CIL priorities it could be clearer

what the CIL money would go towards. For example, at B you just mention Pelham Buckle Mileposts, what would the money go towards? Their repair? Is this required because of new development in the area. Also, ACVs, what would the CIL money go towards? We are not aware of any charge for nominating an ACV.