

Wealden District Council response to the Examiner's initial comments as per the Examiner's letter dated 30th November 2023.

Thank you for your email of 30th November 2023 enclosing your initial comments on the proposed Wadhurst Neighbourhood Plan. Wealden District Council (WDC) has been working with Wadhurst Parish Council throughout the development of the neighbourhood plan and our response to your initial questions are outlined below.

Question A: Paragraph 21 of the NPPF (2023) advises that [local] plans should make it explicit which policies are strategic policies. This advice (and its predecessors) pre-dates the Wealden Local Plan 1998. Does **WDC** provide guidance, or a list, of those policies considered to be strategic? (I note that WPC's Basic Conditions Statement appears to regard all relevant policies as strategic).

I can confirm that the Council has not published a list setting out whether an existing policy in the statutory development plan is strategic in the context of paragraph 21 of the NPPF. However, it should be noted that it is considered that all policies in the Wealden District Core Strategy Local Plan (February 2013), with only a single exception, would be considered strategic. Policies WCS1 to WCS6 all relate specifically to the distribution and management of growth, whilst the remaining policies all relate to strategic issues, with the exception of Policy WCS9 (Rural Exception Affordable Housing). Policy AFH1 of the Council's Affordable Housing Delivery Local Plan (May 2016) would also be considered strategic as it relates to affordable housing.

The Council does have a list of 'saved' policies from the Wealden Local Plan (1998)¹, and this will include both strategic and non-strategic policies in the context of paragraph 21 of the NPPF. Notwithstanding this, the NPPF (paragraphs 20) and the PPG (Paragraph: 076 Reference ID: 41-076-20190509) provide clear guidance on whether a policy is strategic.

Question A: Specifically, I assume that **WDC** regard Policy TM1 (tourism development) as strategic?

The NPPF at paragraph 20 states that strategic policies 'should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development'.

We would consider that other commercial development includes tourism uses.

Wealden District Council considers policy TM1 (Tourist Attractions and Facilities) to be strategic as it sets out an overall strategy for the location, pattern, scale and nature of appropriate tourism development across the district and thus accords with paragraph 20 of the NPPF and paragraph 76 of the PPG. The Council confirmed in its Regulation 16 response that Policy WAD11 is contrary to Saved Policy TM1. The Council also set out its considerations with regards to the wording of Policy WAD11.

Question B: Wadhurst Design Code

Thank you for your comments on the Wadhurst Design Code (March 2023). The Council appreciates that there is not another round of consultation on the Wadhurst Design Code but understand that some of our comments may infer this. The Council made detailed comments on the Design Code at the Regulation 14 stage, which offered an opportunity to update the Design Code. Many of our comments were not addressed in the Regulation 15 version, therefore we carried these over to the Council's Regulation 16 response.

Wealden District Council welcomes the suggestion that minor changes can be made at a later date, without reference to the examiner, but there have already been opportunities for changes to be made to the Design Code to address our comments that have not been taken. Our main concern and as set out in our Regulation 16 response, is that should changes not be made, then the Design Code could have negative design consequences for Wadhurst Parish. Policy WAD 3 states that 'proposals should

¹ [Wealden Local Plan \(1998\): Index of Saved Policies](#)

conform with the guidance and checklists contained within the Wadhurst Design Code'. The Design Code is referred to throughout the policy. As the policy refers to proposals having to conform with the Design Code and affords it weight, it is the view of WDC that the Design Code should be considered as part of the examination of the Neighbourhood Plan. To not scrutinise the Design Code at all would mean that our Planning Officers when assessing planning applications in the parish, would be expected to use a document that has had no scrutiny. As a significant part of the Neighbourhood Plan the Design Code will impact on the Basic Conditions, specifically in relation to 'having appropriate regard to national policy' and should be considered as part of the Basic Condition Assessment given that Policy WAD3 relates to design and is relevant to the achievement of sustainable development. We consider that WAD11 and the Design Code is also relevant as to whether the plan has regard to national policy and advice. As you will be aware paragraph 129 of the National Planning Policy Framework sets out that design guides can be prepared at varying scales and 'to carry weight in decision-making should be produced as either part of a plan or as supplementary planning documents'. It is therefore our view that it does directly relate to the basic conditions and within scope for specific consideration through the Examination.

Question D. Why is policy WAD14 necessary? Tourism development is supported by local plan policy TM1, and national policy. There are very strict controls (which will not alter) on development in the AONB in national policy/guidance and the local plan (Policy EN6). What more is needed?

We agree that tourism development is supported by both local and national planning policy. Policy TM1 (Tourist Attractions and Facilities) is a 'saved' policy from the Wealden Local Plan (1998) which supports new or extended tourist attractions and facilities, subject to criteria, including that within the High Weald Area of Outstanding Beauty (AONB) particular care is given to siting, design and appearance in accordance with 'saved' policy EN6 (Landscape Conservation of the High Weald AONB). 'Saved' policy EN6 of the Wealden Local Plan (1998) confirms that development within the High Weald AONB will only be permitted if it conserves or enhances the natural beauty and character of the landscape.

In terms of national planning policy, the NPPF at paragraph 84 (in relation to the rural economy) states that planning policies and decisions should 'enable sustainable rural tourism and leisure developments which respect the character of the countryside'. The NPPF at paragraph 176 confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. It also states that the scale and extent of development should be limited, while development within their setting should be sensitivity located and designed to avoid or minimise adverse impacts on the designated areas.

In short, it is considered that both local and national planning policy support the extension of tourism attractions and facilities within the countryside provided it meets the criteria as laid out in Policy TM1. Both local and national planning policy also supports the protection of the AONB, and that new development should be sited and designed to avoid or minimise adverse impacts on the AONB.

Wealden District Council previously commented at both the Regulation 14 and the Regulation 16 stages that it is not clear what this policy is trying to achieve, and we have not received a response from WPC that addresses our concerns on this policy. Use Class F2 (b and c) referred to in policy WAD14 (Bowl Water Reservoir Area and Associated Public Activities) covers halls and meeting places for the principal use of the local community and areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms). WDC does not consider it clear whether the parish would just support the provision of a clubhouse or any building within this use class. Also, if they do not have the support of the landowner to provide a building in this use class, it is difficult to see what the purpose of supporting development proposals in this use class achieves.

We have stated our concerns regarding policy WAD11 in our Regulation 16 response (particularly criteria i), namely that it conflicts with the NPPF and Policy TM1 of the Wealden Local Plan (1998) by preventing new buildings for tourism purposes in the countryside. If the purpose of policy WAD14 of the Wadhurst NP is to prevent development at Bowl Water other than in use class F2 (b and c) (it does not specifically state this, but it is implied by not giving support to any other use classes) then we would consider this to be contrary to the NPPF and our adopted tourism policies.

WDC would support the removal of policy WAD14 of the Wadhurst NP, given the issues raised above around its conflict with both national and local planning policy on tourism matters and given the substantial protection already in place to protect the High Weald AONB.