

## **Wealden Local Plan Update – 12 April 2018**

As previously reported Wealden District Council (WDC) has received advice from Natural England in respect of the impact of air quality on the ecology of the Ashdown Forest Special Area of Conservation (SAC) which has confirmed that there is a likely significant effect in relation to the proposed plan and that an Appropriate Assessment should be carried out by WDC as the 'Competent Authority' under the Habitats Regulations.

On the basis of the advice received WDC has been working with its specialists to update the Wealden District Council Air Quality and Ecology report to inform the Appropriate Assessment and the Habitats Regulations Assessment (HRA) in order to deliver an updated Wealden Local Plan by the end of June for consideration at the Full Council meeting on 18 July 2018.

WDC are aware of the recent s78 Mid Sussex Appeal decisions by the Secretary of State and of the report from the Planning Inspector in relation to the Mid Sussex Local Plan and have considered the impact of these on the Wealden Local Plan and on Wealden's responses to neighbouring authorities plans and applications.

WDC fully recognises and respects that each council (or the Planning Inspector or the Secretary of State depending on the situation) is the "competent authority" for its area and will make decisions based on each council's specific set of circumstances and the evidence and advice it has available to it. WDC recognises this applies to Local Plans, appeals and to individual applications.

The issues raised by WDC with Mid Sussex and the Planning Inspectorate have been responded to by the "competent authority", including by the Secretary of State for the s78 appeals, and consequent decisions made. WDC has decided that it will not be challenging the Mid Sussex appeal decisions or the Mid Sussex Local Plan, having regard to the particular circumstances of those cases.

Similarly we will not as a matter of course challenge individual planning applications submitted to neighbouring councils, simply on the basis that they result in additional trips across Ashdown Forest. It is not the function of WDC to oversee the decisions of neighbouring competent authorities and it would be impracticable to do so. Further, whilst preparing its Local Plan, WDC is discussing with Natural England the approach to be taken to in-combination assessments under the Habitats Directive and Regulations. WDC will consider its position in respect of particular cases in the light of those discussions and any further advice received from Natural England.

As highlighted above WDC are currently undertaking an Appropriate Assessment and HRA as the "competent authority" for the Wealden district, taking into account Natural England advice. This work will determine, based on Wealden's specific set of circumstances and the evidence and advice it has available to it, if there is an adverse effect on the integrity of the Ashdown Forest SAC and other protected sites from the proposed Wealden Local Plan, either alone or in combination with other plans and projects.

WDC will determine all planning applications having regard to this work when it is completed, subject to any further advice arising from discussions with Natural England.

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