

Wealden District Council Local Plan Examination

Inspector: Louise Nurser BA(Hons) Dip UP MRTPI

Programme Officer: Lynette Benton

lynette.benton@wealden.gov.uk - Mobile: 07977 415678

April 9th 2019

Dear Ms Brigginslaw,

Examination of Wealden Local Plan

Stage 1 of the hearing sessions, relating to my examination of the Wealden Local Plan, is scheduled to begin on 21 May 2019.

Please find my Guidance Notes and draft programme, together with the Matters Issues and Questions, which will form the basis of the discussions at the hearings.

One of the purposes of the examination is to determine whether the Council has complied with the duty to co-operate under Section 33A of the 2004 Act (as amended). This requires the Council to have engaged constructively, actively and on an ongoing basis with other local authorities and prescribed bodies in the preparation of the Local Plan. From the documentation before me, I have identified significant issues in relation to the duty to co-operate, particularly in terms of environmental considerations and housing.

Linked to this is the Habitats Regulations Assessment (HRA). This appears to have given rise to a number of potentially important matters, including a divergence between the Council's stance, and that of Natural England, on matters of air quality.

In addition, to matters of legal compliance, there are other substantive matters of soundness, such as the Council's approach to development within the High Weald Area of Outstanding Natural Beauty, which I need to consider prior to moving onto Stage 2 of the hearing.

I should stress that, whilst I have identified significant matters which require consideration, I have not come to any conclusions. Nonetheless, my findings in respect of these initial matters could have very serious implications for the examination. In particular, I would be unable to rectify non-compliance with the duty to co-operate.

In the light of this I have programmed initial hearing sessions between Tuesday 21st and Thursday 30th May 2019 to deal with these matters. Following the initial hearing sessions, I will consider whether it is appropriate to continue with the examination, and if so, in what form.

I will reach a clear view in relation to the duty to co-operate and if I conclude that the duty has not been complied with, I will advise the Council to withdraw the Local Plan, given that the only alternative would be for me to produce a report recommending non-adoption. If I conclude that the duty to co-operate has been met, it may be

Wealden District Council Local Plan Examination

Inspector: Louise Nurser BA(Hons) Dip UP MRTPI

Programme Officer: Lynette Benton

lynette.benton@wealden.gov.uk - Mobile: 07977 415678

possible to proceed to additional hearing sessions dealing with other issues of soundness.

Alternatively, it may be that a suspension of the examination is required to enable further work to be undertaken/completed to address issues of soundness. If this were to be the case, I would work with the Council to consider its options moving forward.

Depending on the outcome of the initial hearing sessions, further matters and issues will be set out and arrangements will be made for additional hearing sessions. The contents of these hearings would be very dependent on my conclusions from the Stage 1 hearings.

If you have any queries, relating to the examination process, please do not hesitate to contact me, via the Programme Officer.

Yours Sincerely

Louise Nurser

Inspector