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Lynette Benton,
Programme Officer,
Wealden District Council,
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Our Ref: KLW/11/00126

Date: 16th May 2012

Dear Ms Benton,

WEALDEN DISTRICT COUNCIL

& THE SOUTH DOWNS NATIONAL PARK AUTHORITY

CORE STRATEGY EXAMINATION

INSPECTOR'S INVITATION TO COMMENT ON THE IMPLICATIONS OF NATIONAL PLANNING POLICY FRAMEWORK

Thank you for notifying us of the Inspector's invitation to provide a statement on the implications of the National Planning Policy Framework (NPPF), which took effect on the 27th March 2012, on Wealden District Council's emerging Core Strategy. Doubtless this is to ensure that once adopted, the Core Strategy, is consistent with and in general conformity with the requirements of the NPPF.

We represent the interests of the Neville Estate Company Limited: Consultee ID: 534840 and Agent ID: 103948. The Estate has a controlling interest in substantial tracts of land across the north of the district, adjoining the southern fringes of Tunbridge Wells, and has a number of smaller land holdings including land off Brook Close in Jarvis Brook. The latter is referenced at SD9 within the draft Core Strategy. In the context of this land holding and the Estate's wider land interests across the High Weald Area of Outstanding Natural Beauty (AONB), the NPPF has made a number of important changes that now need to be considered. The broad headings that are material to the Estate's land interest are set out below in the order that they are raised within the NPPF. A short summary of the main requirements is presented together with a brief assessment of whether the requirements are satisfied by the Core Strategy and whether, as a

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consequence of this, a modification should be made to the document to bring it into line with the NPPF.

(i) ***Presumption of Favour of Sustainable Development***

The NPPF introduces a presumption in favour of sustainable development. It requires Local Planning Authorities, including Wealden, to positively seek opportunities to meet the needs of their districts. The underlying theme is that where development proposals accord with the development plan they should be approved without delay. In cases where a development plan is absent or out of date, the Council is required to grant consent unless: (i) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits; and/or (ii) other policies of the NPPF indicate that development should be restricted.

This position ties in with the Planning for Growth Agenda and the corresponding Ministerial Statement. To fulfil these objectives it is essential that the Council take a positive approach to development by ensuring that opportunities are fully explored to make development acceptable and that proposals are only refused if nothing can reasonably be done to make them acceptable. In this context and having regard to the Council's historic failure to meet its housing targets (set out below), it is recommended that a further generic policy be added to the Core Strategy to emphasise the Council's positive approach to development management and to meet this aspect of the NPPF.

A policy establishing the presumption in favour of sustainable development would fall most readily within Chapter 3 of the Core Strategy - Key Elements of the Wealden Spatial Strategy. This sets a broad overarching framework for social, economic and environmental consideration within Wealden. A new policy to reflect the 'presumption in favour' within the NPPF could read along the following lines:

The Council will take a positive approach towards all development proposals that reflect the presumption in favour of sustainable development contained within the National Planning Policy Framework. To achieve this, the Council will work proactively with applicants to find solutions to enable proposals to be approved wherever possible to improve the social, economic and environmental wellbeing of the District.

Proposals that accord with the policies of this Core Strategy will be approved without delay, unless material circumstances indicate otherwise. Where policies are out of date or are not relevant to the application the Council will grant planning permission unless

material circumstances indicate otherwise: having regard to the provisions of the National Planning Policy Framework.

(ii) ***Delivering a Wide Choice of High Quality Homes***

The NPPF requires Local Planning Authorities to use an evidence base to ensure that their local plans meet the full, objectively assessed needs for market and affordable housing and identify key sites that are critical to the delivery of housing during the plan period.

The Framework also requires Wealden to identify:

- and, update annually, a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirement with additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, the buffer should be increased to 20%;
- a supply of specific, deliverable sites or broad locations for growth, for years 6 – 10 and, where possible, for years 11 – 15; and
- their own approach to housing density to reflect local circumstances.

The five-year housing land supply figure referenced in the first bullet above is critical to the delivery and supply of much needed housing within the District. This has always been a requirement, but in reference to the under-delivery of housing the NPPF identifies the need for additional buffers of between 5% and 20% to be added to the five-year land supply - paragraph 47 refers. This additional housing must be brought forward from latter plan years depending on the evidence of housing delivery. As a consequence it is recommended that the housing trajectory on page thirty of the Core Strategy be revised to take on the clear and demonstrable need to 'front load' the delivery of housing.

In our original evidence on matter 3F we explained that Wealden District Council has consistently failed to meet its annual housing delivery targets, which has contributed to the history of under supply. Clearly, it is not in the wider interest of the community for the Council to fall back into old habits of low housing delivery. In view of this, it is recommended that the Core Strategy be updated in line with the NPPF to emphasise that 20% front loading of housing should occur. The increase in housing delivery in the early years should happen as a matter of urgency to provide a realistic prospect of the Council achieving its planned supply and to ensure choice and competition within the

market for land – all key aims of the NPPF. The ability and the availability of the SD9 area within Jarvis Brook to contribute towards these aims and to provide a meaningful contribution towards the front-loading and sustainable delivery of housing within the District should be referenced along with an acknowledgement of the historic undersupply of housing.

Beyond this we would recommend that the Core Strategy provide clear advice to applicants when applications should be made and that submissions should not be contingent on Local Authority endeavours to, for example, provide alternative green spaces. This will take valuable time and contradict the aims of NPPF. Addressing the role of on site provision or a contribution mechanism (discussed at the Examination) within the Strategy is, therefore, very important.

Finally, the Core Strategy presently indicates that windfall sites are not considered in the calculation of housing provision. However, the Council has indicated that they "will count towards the overall house building totals achieved in Wealden." Paragraph 48 of NPPF states that in exceptional circumstances windfall sites can be considered, but specifically excludes the contribution from garden redevelopment. Since a large proportion of the windfall development within the district of Wealden has historically come from garden sources it is recommended that all future calculations be based on previously developed land redevelopment only.

(iii) ***Conserving and Enhancing the Natural Environment***

The NPPF requires the planning system to protect and enhance valued landscapes and geological conservation interests, recognise the wider benefits of ecosystems and minimise impacts on biodiversity. Core Strategies should aim to minimise pollution and other effects on the local and natural environments. Plans should allocate land for development with the least environmental or amenity value and policies should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value. Local plans should plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

These are all laudable aims that are supported. They have to some degree influenced the Inspector's findings and conclusions to delete the SD11 site in Heathfield and the contingency site at Crowborough. Both sites formed part of the High Weald AONB – balancing the competing interests of environmental impacts with the demonstrable need

for new housing is acknowledged. However, the history of undersupply of housing within the district is, in our view, critical and the omission of these sites will only add further to the pressure for the early delivery of housing from elsewhere within the District. The SD9 area within Jarvis Brook has the benefit of locational advantage, being within walking distance of key services and facilities and, most notably, Jarvis Brook Train Station, which provides direct access to central London. At the examination in public the alternative site at Millbrook Garden Centre was discounted on the basis that the owners of the nursery did not wish to proceed. It is not therefore deliverable or developable. The Servomex site was, we believe, discounted as an option at an extraordinary Council meeting. In our view the 'balance' lies with the land off Brook Street.

I would be grateful if the above points could be presented to the Inspector as part of the on-going review of Wealden District Council's Core Strategy – thank you. If any queries arise out of these observations please feel free to contact me at any time.

Yours sincerely,

Julian Black MRTPI
Kember Loudon Williams LLP

Cc Mr John Bee – Neville Estate Company