WEALDEN LDF CORE STRATEGY

RESPONSE TO THE INSPECTOR'S INVITATION TO COMMENT ON IMPLICATIONS ARISING FROM THE NPPF

NPPF /
Charles Church Southern Ltd

1. Implications of the NPPF on our Previous Representations

1.1 The NPPF became affective from the date of its publication 27th March 2012 and accordingly the advice of the Planning Inspectorate is that the Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

1.2 Our representations made in connection with the draft NPPF remain generally valid and these are updated below.

2. Delivering Sustainable Communities

2.1 Paragraph 8 states that '*The planning system should play an active role in guiding development to sustainable solutions*.'

2.2 Paragraph 17 of the NPPF sets out the core planning principles which should be taken into account by all those engaged in the planning system. They highlight, inter alia:

- The need for planning to be proactive in driving and supporting development needs: to identify the needs of the area and respond positively to wider opportunities for growth;
- The need for plans to have a clear strategy for allocating sufficient land which is suitable for development in their area; and
- The desirability of focussing significant development in locations which are or can be made sustainable.

2.3 Paragraph 52 of the NPPF acknowledges that the supply of new homes can sometimes be best achieved through planning for large scale development such as extensions to existing towns and villages.

2.4 Paragraph 152 requires the preparation of Local Plans to be guided by the objective of contributing to the achievement of sustainable development.

2.5 Spatial Planning Objective **SPO7** seeks to encourage more sustainable patterns of development by concentrating development close to public transport opportunities whilst **SPO13** seeks the creation of sustainable places where people wish to live. Wealden's strategy is to concentrate growth at the urban areas (para 5.5 Submission Core Strategy). The broad distribution of development is guided by these objectives and the settlement hierarchy with the bulk of development being focussed on the larger settlements of significance to Wealden, **WCS2**. Tunbridge Wells is recognised as a Primary Centre (a settlement which is highly accessible and benefits from a wide range of facilities and services); it is included within the hierarchy of settlements of significance to Wealden and the edge of Tunbridge Wells is appropriately identified as a suitable location at which to concentrate some of the District's development needs, **WCS4** (**SD12**).

2.6 Mechanisms for the delivery of infrastructure are set out in section 7 and WCS7.

2.7 **We are therefore of the view that the Core Strategy complies with the National core planning principles for delivering sustainable communities.**

3. Identification of Broad Locations for Strategic Development

3.1 The NPPF at paragraph 157 requires Local Plans to plan positively for the development and infrastructure required in an area and to indicate broad locations for strategic development on the key diagram.

3.2 **Wealden Core Strategy conforms to these requirements by planning for Strategic Development Areas through policies WCS2 and WCS4 and indicating them on the Key Diagram**

4. Implications of the NPPF for the Overall Scale of Provision and 5 year Housing Land Supply

4.1 Paragraph 7 of the NPPF sets out the roles of the planning system including the provision of the supply of housing required to meet the needs of present and future generations. At paragraph 14 the NPPF sets out the presumption in favour of sustainable development, the 'golden thread' which should run through plan-making and which means:

> " • *Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change, unless*
>
> - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or* "

4.2 Paragraph 47 sets out the requirement for LPAs to significantly boost the supply of housing and to do so they should use their evidence base to ensure the Plan meets objectively assessed needs for market and affordable housing in full.

4.3 In Wealden, the objectively assessed needs indicate evidence of higher need and demand for housing in the area but this level of need has not been provided for because of concerns over the environmental capacity of the District to accommodate it. That is true to an extent and the obvious importance of the AONB and SPA are material considerations which need to be balanced in relation to strategic housing needs. However, not all of the District is impacted by these national and European designations and an increased scale of development outside those areas could contribute to the requirement to meet housing needs in full.

4.4 **We are therefore of the view that the Core Strategy does not comply with the NPPF in terms of the adequacy of the overall supply of housing land.**

4.5 The NPPF also requires LPAs to identify and update a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition (paragraph 47). This has not to date been factored into the housing

land supply. **For the Core Strategy to be found sound it will need to demonstrate a supply of at least a 5 year + 5% for both market and affordable housing. As necessary, efforts should be made to bring forward the infrastructure necessary to support both the five-year + 5% land supply and any enhancement of provision necessary to meet the District's housing needs in full.**

5. Cross Boundary Collaboration / Infrastructure Provision

5.1 Public bodies now have a duty to cooperate on planning issues that cross administrative boundaries particularly where those relate to strategic priorities such as the delivery of housing requirements. NPPF paragraphs 178 and 179 refer. Paragraph 180 also requires lpas to work with other authorities and providers to assess infrastructure needs and deliverability.

5.2 Both Wealden and Tunbridge Wells Councils have indicated a desire to cooperate.

5.3 The Infrastructure Delivery Plan (IDO) is a key part of the LDF. It has been prepared in close consultation with the various delivery agencies and sets out the critical infrastructure required to support the Submission Core Strategy focus on broad area of growth. At paragraph 1.3 the IDP confirms that the Submission Core Strategy does not place undue reliance on critical elements of infrastructure where funding is unknown and that there is a reasonable prospect of critical elements of infrastructure being delivered within the Plan period. It confirms that other elements of infrastructure are embedded by overarching policies within the Core Strategy or will be dependent on levels of growth to bring them forward.

5.4 **We are therefore of the view that the Core Strategy complies with the NPPF in this respect.**

6. The Natural Environment

6.1 The NPPF is a simplification of the planning policy statements it supersedes, but retains their overall thrust: the protection of what is important whilst taking a positive approach towards sustainable development. The WDC Core Strategy has not yet been revised to reflect the NPPF and still cites now obsolete government guidance. However, much of the NPPF is congruent with the old guidance. The two key policies in this respect, WCS12 Biodiversity, WCS13 Green Infrastructure and Spatial Planning Objective SP01 are considered to be consistent with the NPPF.

6.2 Sustainable development within SDA 12 would conform with the above three policies and would also reflect the intent of the NPPF in a number of ways:

- It would assist in in meeting biodiversity targets of the Sussex BAP by retention, restoration and management of neglected habitat, providing both funding and a mechanism for long-term management. Any residual biodiversity losses could be compensated for, which is envisaged in Draft Policy WCS12, and an objective of SPO1. These policies reflect in part Paragraph 118 of the NPPF which sets out 6 principles to apply when

considering planning applications. The fourth is most relevant to SDA 12: "opportunities to incorporate biodiversity in and around development should be encouraged."

- Retained portions of land within SDA 12 could form an important portion of the district-wide green infrastructure, which is the policy objective of WCS13 and reflects Paragraph 117 of the NPPF, which sets out four points a local authority should consider in order to minimise impacts on biodiversity through local policy, two of which are relevant: 1)" identify ecological networks… and" 2) " promote preservation … of habitats, networks, priority species populations… and …monitor … biodiversity. "

6.3 However, the narrative accompanying the above policies (paragraphs 3.30 – 3.33) fail to recognise the shortcomings that were identified in the original Issues and Options submission on 18 April 2011. The Natural Environment is covered at paragraph 109 onwards in the NPPF. Paragraph 113 distinguishes between the hierarchy of designated sites and advises that '*Distinctions should be made so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make ..*'. Lpas are required to plan positively for the management of interests of bio-diversity (para 114). The NPPF recognises the range of actions available to the lpa in managing sites of interest including creation, management and enhancement rather than just protection.

6.4 The Submission Core Strategy acknowledges that Wealden's environmental qualities have been an important influence on the spatial strategy. It states at paragraph 3.30 that development has been excluded on nationally and locally designated bio-diversity sites, recognises that this strategy has had an impact on the spatial strategy and has resulted in limited growth in some areas of the District. In this respect the Submission Core Strategy runs contrary to the NPPF which takes a more proportionate approach and recognises that a more balanced view should be taken. Paragraph 165 recognises the need to meet development requirements and that plans should allocate land with the least environmental or amenity value having regard to the presumption in favour of sustainable development.

6.5 **It is considered that the approach that the Submission Core Strategy has taken to include local as well as national and European designations has unduly limited the District's development opportunities unnecessarily. Paragraph 3.30 should therefore be amended to read: "*development has been excluded on nationally ~~and locally~~ designated biodiversity sites*…."**.

6.6 A key element which was put forward in that representation on SDA 12 was the potential for an out-dated non-statutory nature conservation designation to unnecessarily constrain sustainable development. The requirement for up-to-date inventory of local nature conservation resources within a district is set out in "Planning for Biodiversity & Geological Conservation – A Guide to Good Practice" (DEFRA 2006) and in "Development and Management of Local Site Systems" (DEFRA 2006). Neither of these documents has been rescinded, and the NPPF is broadly in agreement with them. (See NPPF Paragraph 113 which

requires a criteria-based system that distinguishes between international, national & local sites, and that their protection should be commensurate with their status.) The 18 April 2012 submission presented in considerable detail the deficiencies in the local site system inventory, and nothing has changed in the interim. The WDC local development framework still lacks an inventory of conservation resources, and that deficiency holds when the local plan is set against the NPPF.

6.7 Paragraph 158 of the NPPF highlights the need for Local Plans to be based on adequate, up to date and relevant evidence. **With respect to local bio-diversity, the evidence base is none of these. We therefore maintain our objection to the use of the non-statutory local site designation to unnecessarily constrain development allocations: The evidence base should be brought up to date.**